

7th February 2023

REPORT NO. OS2303

KEY DECISION? YES

REVIEW OF TAXI LICENSING POLICY

SUMMARY AND RECOMMENDATIONS:

This report outlines the consultation on proposed changes to the Council's Taxi Licensing Policy.

Cabinet is recommended to:

- Approve the proposed Taxi Licensing Policy to take effect on 1st April 2023, with application requirements applying to any new application received or determined on or after that date, and for any renewal due on or after that date; and
- Existing licence holders to be required to comply with all new requirements by 31st March 2024 or their renewal date, whichever is sooner in accordance with the proposed policy

1. INTRODUCTION

- 1.1. The Council's current Taxi Licensing Policy has been in place since 2012. The purpose of this report is to seek Cabinet approval to implement the proposed new Taxi Licensing Policy which has been developed and subject to public consultation.

2. BACKGROUND

- 2.1. In July 2020, the Department for Transport (DfT) published new statutory guidance in relation to the licensing of taxis. This guidance required the licensing authority to review their policies having regard to the measures contained within the guidance. Furthermore, legislative changes have been introduced since the current policy came into effect that were not referred to in the previous policy
- 2.2. The policy has been reviewed taking account of the above guidance, legislative changes, data and feedback from officers, members of the public and the taxi trade. A proposed policy was produced, and a public consultation was carried out between 5th December 2022 and 2nd January

2023. The link to this was sent to all licence holders and the consultees named in the document. Furthermore, the consultation was available on the Council's website for the same period of time.

- 2.3. In total, 9 responses to the consultation were received, and their comments have been taken into consideration, with some minor amendments made to the proposed policy as a result..

3. DETAILS OF THE PROPOSAL

General

- 3.1. Details of the proposed Taxi Licensing Policy is given at Appendix 1
- 3.2. An overview of the key changes from the current policy is given at Appendix 2 and cover the following:
- 3.3. Streamlining, efficiencies and accessibility – Changes to reduce the time taken to process applications, ensure processes are more efficient (for officers and applicants) and allow for cost recovery where possible, and to remove barriers of entry to the trade and reduction in wheelchair accessible vehicles.
- 3.4. Safeguarding- New measures to further improve the safety of taxis and drivers, further reducing the risk to passengers, other road users and licensed drivers.
- 3.5. Improved knowledge and skills – more in-depth testing of knowledge and training requirements to ensure a better and safer service.
- 3.6. Environmental Improvements- changes to ensure that the environmental impact if the taxi fleet is improved.
- 3.7. An Overview of the amendments made following the public consultation is given at Appendix 3, along with details of the reasons why.

Alternative Options

- 3.8. Members may amend any element of the proposed policy that is not a legal requirement.

4. IMPLICATIONS (of proposed course of action)

Risks

- 4.1. The proposed policy is designed to minimise the risk to users of taxis and other road users, by ensuring appropriate requirements are in place for licence holders.

Legal Implications

- 4.2. The Council is obliged to work within the relevant legislation and have regard to the statutory guidance. Applications and/or regulatory action carried out in accordance with the policy are often subject to a legal right of appeal to the magistrate's court. The policy will be taken into consideration as part of any appeal hearing

Financial and Resource Implications

- 4.3. The relevant legislation specifies what costs can be recovered in respect of licensing fees, the licensing authority sets fees on this basis to cover all recoverable costs of administering the regime

Equalities Impact Implications

- 4.4. The Equality Impact Assessment associated with the proposed policy is given at Appendix 4.

Community Safety Implications

- 4.5. The purpose of the taxi licensing regime is to ensure the safety of the travelling public, therefore the measures detailed in the proposed policy have a positive impact on community safety.

5. CONCLUSIONS

- 5.1. The proposed taxi licensing policy is recommended to Cabinet to be approved to take effect from 1st April 2023, with application requirements applying to any new application received or determined on or after that date, and for any renewal due on or after that date and existing licence holders to be required to comply with all new requirements by 31st March 2024 or their renewal date, whichever is soonest.

BACKGROUND DOCUMENTS:

None

CONTACT DETAILS:

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Head of Service – James Duggin – Head of Operations



RUSHMOOR
BOROUGH COUNCIL

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
& Other Legislation

TAXI LICENSING POLICY & GUIDANCE

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PART A

1. FOREWORD

1.0 FOREWORD

- 1.1 We believe that taxis are an integral part of the public transportation system and a part of the infrastructure of our society. There are few people who have not used a taxi service for some purpose at some time, whether it be for business, domestic or social purposes.
- 1.2 Society takes the provision of such a service, whether private hire (PH) or hackney carriage (commonly referred to as taxis), largely for granted and expects that the journey will be without incident or concern. We believe that this is exactly as it should be and that taxi passengers simply want a reliable, efficient and effective service delivered in a safe and secure manner.
- 1.3 However, while we recognise that there are many hardworking licence holders, within the industry, who are rightly proud of the service they provide, any service to the public is a potential target for the less scrupulous in society. This may include those who might use their position to exploit the travelling public, for example by demanding more than the legal fare or to abuse them or their property (e.g., when carrying vulnerable individuals such as children, unaccompanied females or those with disabilities).
- 1.4 In view of these concerns, we believe that the service of providing a driver and vehicle to convey persons from one place to another needs to be appropriately regulated to prevent the less than honest or able persons from undertaking such work, or, more appropriately to allow only those individuals and vehicles that are safe and suitable to undertake such work.
- 1.5 However, we also recognise, that while licensing of the taxi and PH trades seeks to protect the public from the unscrupulous, too restrictive an approach can work against the public interest. This can potentially create barriers of entry to the trade, restricting the supply of taxi services, and subsequently, having unintended safety implications (e.g. resulting in insufficient taxis to ensure the vulnerable get home safely). We therefore want to ensure that each of our licensing requirements is suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.
- 1.6 In summary, we want to enable good business for all concerned by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensures the safety and protection of both the public and other road users and provides for a suitable, good quality and efficient public transportation service for all. This document sets out how we intend to do this within the existing legislative framework and other constraints.

PART B

2. INTRODUCTION & SCOPE

2.1. SUMMARY

- 2.2. This document sets out Rushmoor Borough Council's (RBC) taxi licensing policy in recognition of its role and functions as the relevant licensing authority for hackney carriage and private hire vehicles, drivers and operators.
- 2.3. In preparing this document, the Council has considered various guidance documents, case law, and has consulted with and considered the responses made by the individuals, agencies and organisations set out in **appendix A**.
- 2.4. This policy document was approved and adopted by the executive (Cabinet) meeting on the [DATE] and ratified by Full Council on [DATE]. It was most recently updated on approval by the executive (Cabinet) on [DATE]. While subject to periodic review, this document shall constitute RBC's taxi licensing policy.

The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.

2.5. INTRODUCTION & SCOPE

2.6. Background

- 2.7. The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, together with a variety of other statutes provide the legislative framework throughout England & Wales (excluding London) for regulating the provision and activities of hackney carriages (commonly referred to as 'taxis') and private hire vehicles ('minicabs').
- 2.8. Under this legislation, RBC along with other authorities are responsible for the licensing of hackney carriages and/or private hire vehicles, their drivers, and operators. The Council is also responsible for a range of other taxi-related matters, including for example, the setting of hackney carriage fares.

2.9. Status

- 2.10. This document sets out the policies and arrangements the licensing authority will normally apply and consider in carrying out its taxi licensing functions and responsibilities. This document will therefore be used to inform and direct our decision making, particularly when making decisions on relevant licence applications, exemptions and/or our general enforcement approach. It acts as a guide to the considerations and standards to be applied in our licensing work

together with the roles and responsibilities of those to whom it applies. However, on occasion where it is deemed appropriate, the licensing authority may divert from this policy. In all cases where a decision is made that differs from this policy, there will be a decision sheet with the justification for doing so, and the matter will be determined in accordance with the Council's scheme of delegation.

2.11. The document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted thereafter. The relevant statutory provisions together with any subordinate legislation will take precedence.

2.12. Applicability

2.13. This document applies to the functions of RBC as a licensing authority under the various taxi-related statutes and to related activities within the Borough of Rushmoor as defined in **appendix B**.

2.14. Other documents and references

2.15. Where appropriate, this policy should be read in conjunction with the following documents -

- (a) RBC Corporate sanctions and enforcement policy; and
- (b) RBC Data Protection policy; and
- (c) RBC Guidance notes for applicants (various); and
- (d) RBC Vehicle specification;

2.16. Interim Policy Updates

2.17. While every effort has been made to ensure that the information, policy and guidance in these pages is correct at the time of writing, changes in the law, third-party procedures, or other identified issues may necessitate interim update and/or a change of arrangements.

2.18. As such, legislative or minor changes to arrangements and/or clarifications of policy may be applied. These will be established in accordance with the Council's scheme of delegation and, where appropriate, following consultation with the relevant Council portfolio holder and/or notification of the trade(s).

2.19. IMPLEMENTATION

2.20. This policy shall take effect from **[DATE]** and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing.

- 2.21. Where there have been changes to the licensing policy and associated requirements, the licensing authority believes, in accordance with the DfT guidance that the same should be applicable to those already in possession of an existing licence, to ensure the promotion of the licensing objectives, and consistent standards. Where appropriate, the licensing authority will provide for and communicate a timeframe of no longer than 12 months for existing licence holders to implement and/or comply with any new requirements. Failure to comply with any new requirements in this time will result in suspension of licence.
- 2.22. Where a more subjective change is introduced, for example an amended policy on previous convictions, the licensing authority will still apply the fundamental principles and will consider each case on its own merits for existing licence holders. The licensing authority may deviate from any revised policy for existing licence holders, but only where there are exceptional, clear, and compelling reasons to do so, and no other indicators of concern whilst they have been licensed.

PART C

3. LICENSING PRINCIPLES, OBJECTIVES & GENERAL CONSIDERATIONS

3.1. GENERAL

- 3.2. A number of authorisations and administrative procedures may be sought, held or applied for under the various statutory provisions. The policies and considerations to be applied will generally depend on the nature of the authorisation sought / held and/or the circumstances of the case.

3.3. FUNDAMENTAL PRINCIPLES & OBJECTIVES

3.4. Licensing objectives

- 3.5. We will aim to regulate taxi-related activities in the public interest and will, where appropriate, seek to **enable good business** for all concerned. We will endeavour to do this by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensure –

- (a) the safety and protection of both the travelling public and other road users; and
- (b) the provision of a suitable and efficient public transportation service for all.

3.6. Other general principles

- 3.7. Where appropriate, the licensing authority will -

- (a) be objective.
- (b) consider any matter on its own individual merits, and
- (c) consider any impact on its licensing objectives.

3.8. OTHER RELEVANT CONSIDERATIONS

3.9. Licensing policy and guidance

- 3.10. In exercising its functions, the licensing authority will, where appropriate, have regard to -

- (a) this taxi licensing policy.

(b) any guidance issued by or on behalf of the relevant Secretary of State (e.g., Department for Transport) for the matter of concern, and

(c) any other guidance as may be specified or set out in this policy.

3.11. Integration of policies, strategies, and objectives

3.12. The licensing authority may, where it is entitled to do so, also have consideration for the aims, objectives and findings of any published government strategies and plans which relate to its licensing objectives.

3.13. For these purposes, government strategies and plans are taken to mean those prepared and published by or on behalf of HM Government, Rushmoor Borough Council and / or any other statutory authority or agency with responsibilities within the area concerned.

3.14. Departure from guidance and policy

3.15. The licensing authority may, where it is entitled to do so, use its discretion to depart from this policy and any other guidance where it considers it appropriate to do so and, in such cases, will give clear reasons.

3.16. DUPLICATION & OTHER RELEVANT LEGISLATION

3.17. General expectation of compliance

3.18. The licensing authority expects those to whom it has granted any authorisation to fully comply with all other relevant legislation (e.g., Health & Safety) applicable to their premises, vehicle and/or their activities. The licensing authority will, subject to circumstances, seek to avoid duplication with other regulatory regimes in delivery of its functions.

3.19. Other authorisations and permissions

3.20. The licensing authority expects those providing licensable activities to ensure that they have obtained all necessary permissions before proceeding e.g., landowner permission, permits etc. A licence to provide, drive or operate a hackney carriage and/or private hire vehicle does not, and shall not be taken to give or imply approval for any other activity regulated by this or any other authority. Prospective applicants and licence holders are advised to check to ensure that their proposals / arrangements are suitably authorised in **all** respects.

3.21. Planning permission and building control requirements

3.22. The licensing authority notes that the use of premises (e.g. for the operation of private hire vehicles) may be subject to control by the local Planning Authority and that such uses may require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for

new premises and/or a change of use of premises while building control approval is often required for structural alterations.

- 3.23. While relevant applications (e.g., for an operator's licence) may be made pending any necessary planning permission, the licensing authority expects these will normally be made by businesses with planning permission for the property and uses concerned. However, the licensing authority would impress that planning, building control and licensing are separate legislative regimes that involve consideration of different (though often related) matters. In view of this, and to ensure a clear separation of planning and licensing systems, licensing applications will, in all cases, be considered wholly independently of planning applications. However, to ensure compliance with the law, the licensing authority will, where appropriate, advise the local Planning authority of receipt of any relevant premises-based application.

3.24. Exemptions to private hire licensing

- 3.25. In recognition of the broad range of potential services that the definition of private hire driving, vehicle and operating might encompass, it is the view of the licensing authority that not every service providing a vehicle with fewer than nine passenger seats which is used to carry passengers for some sort of return must necessarily be licensed under the private hire licensing regime. Subject to the policies and considerations outlined below, the licensing authority will not normally consider any of the following to fall within the private hire licensing regime.

- (a) **Small Public Service Vehicles (PSVs)** - i.e., vehicles with fewer than nine passenger seats which –
- (i) carry passengers at a commercial rate; and
 - (ii) provide a service at separate fares where each passenger pays his or her own fare for a particular journey.

These vehicles will normally fall within the PSV operator licensing regime. However, in cases of doubt, the licensing authority will check and expect the vehicle, driver, and operator to be licensed with the relevant traffic commissioners.

- (b) **Volunteer schemes** - i.e., vehicles with fewer than nine passenger seats which provide a passenger carrying service, and where the total of any charges is agreed in advance and do not exceed the running costs (including wear and tear and depreciation) of the vehicle for the journey made.

These vehicles will typically be a form of transport that is provided by volunteers who do not make a profit from the service.

While the licensing authority will not normally consider genuine volunteers who receive no recompense (or otherwise receive only enough to cover

their actual expenses) to fall within the private hire licensing regime, it recognises that the total mileage undertaken by some volunteer drivers may amount to a business of providing transport in such a way as to make a profit. Where appropriate, the licensing authority may therefore take account of the profitability or otherwise of the service on consideration of the rates charged and/or expenses claimed in the context of the mileage and taxation rules set out by HM Revenue and Customs (HMRC).

- (c) **Ambulances and medical cars** – i.e., those vehicles used to transport passengers to and from hospitals and other medical facilities on an ad-hoc basis or otherwise operate as part of a formal non-paid Patient Transport Service.
- (d) **Weddings and funerals** – in accordance with the Local Government (Miscellaneous Provisions) Act 1976 transport used only in connection with weddings and/or funerals does not fall within the private hire licensing regime.

3.26. Considerations as to whether a service is a private hire service

3.27. By way of determination as to whether any particular service requires to be licensed as a private hire operator, driver and vehicle the licensing authority will consider –

- (a) whether the vehicle has fewer than nine passenger seats.
- (b) whether the vehicle is provided for hire with the services of a driver for the purpose of carrying passengers.
- (c) whether the driver or the operator derives a commercial benefit.
- (d) whether the carriage of passengers is an ancillary part, or a main part, of the overall service.
- (e) the characteristic use of any vehicle provided.
- (f) whether the driver is under any explicit or implicit obligation to undertake any other duties or tasks beyond driving or providing services associated with driving (e.g., carrying luggage, assisting passengers with boarding or alighting etc).
- (g) whether the service requires a specific qualification or level of training on the part of the driver which goes beyond the driving and courtesy skills associated with conventional private hire.
- (h) the manner in which the vehicle is provided.
- (i) whether passengers pay individual fares as part of the contractual arrangements; and

(j) whether the vehicle is/is not being exclusively hired.

NB: The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine whether a service must be licensed under the private hire regime.

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PART D

4. GENERAL ADMINISTRATIVE ISSUES

4.1. APPLICATIONS & NOTICES

4.2. Equality of opportunity

4.3. Subject to the requirements of the relevant statutory provisions, nothing in this taxi licensing policy shall override or undermine the right of any individual or business -

- (a) to apply for one or more of the authorisations and/or exemptions provided for and, where appropriate, to have that application considered on its individual merits.
- (b) who is aggrieved by the decision of the licensing authority to appeal against that decision to the Courts where provision has been made for them to do so.

4.4. Making an application

4.5. While it is not the purpose of this document to detail how to make an application for any relevant authorisation, the licensing authority will maintain basic guidance notes for applicants on its website (www.rushmoor.gov.uk).

4.6. As an indicator of how the applicant may operate their hackney carriage and/or private hire activities, the licensing authority will take a serious view of any applicant that misses or is otherwise late to an(y) appointment(s) without reasonable excuse. Repeat failure to suitably attend appointments may therefore result in refusal to grant and/or renew any relevant authorisation.

4.7. Applicants who make an appointment and subsequently need to cancel and/or change their arrangement(s) should contact the licensing team in advance of the appointment.

4.8. Significantly, the Council incurs costs in the administration of appointments and associated room bookings. As such, and by way of discouraging missed and/or late appointments, the fees for chargeable pre-booked appointments e.g., test sessions, safeguarding training etc. are non-refundable.

4.9. Submission of applications and notices

- 4.10. All applications and notices must be made to the licensing authority detailed below –

The Licensing Authority
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
GU14 7JU

Telephone: 01252 398855

Email:
taxi.operators@rushmoor.gov.uk

Website: www.rushmoor.gov.uk

4.11. Validity of applications or notices

- 4.12. The licensing authority will, only accept and, where appropriate, process applications and documents that **fully** comply with all relevant requirements and eligibility criteria. Applications and/or documents will be treated as being invalid where they fail to comply with all relevant requirements.

- 4.13. Except for licensing authority documents not required by the applicant / licence holder for any other purpose e.g., application forms, medical forms, the licensing authority will not hold any original documents. Original documents submitted in person will be scanned and returned immediately to the applicant / licence holder.

4.14. Safeguarding against fraud

- 4.15. So that it can satisfy itself against the potential for fraud, the licensing authority will require, where appropriate, **all** submissions to –

- (a) be in and up-to-date and
- (b) be suitably addressed (i.e., both in respect of the individual concerned **and** in respect of the address where they are ordinarily resident in the UK), and
- (c) suitably cross reference (i.e., be consistent with all other relevant documents and submissions).

- 4.16. Photocopies, scans, emails and/or similar will **not** be accepted in respect of DBS certificates, statements of good conduct and identity documents e.g., passport, driving licence, birth certificate. Where there are any concerns regarding any other document submitted electronically, the licensing authority reserves the right to ask to see the original document before making any determination.

- 4.17. Where appropriate, we will treat any document as being invalid where it is not in original form (if requested), is out of date, bears incorrect details, cannot be validated or where we otherwise suspect it may have been forged, improperly altered or tampered with. Further, the licensing authority will refuse any licence application and/or suspend or revoke any licence held where any document

submitted as part of an application and/or in maintenance of any licence is suspected to be fraudulent, inaccurate and/or out of date.

4.18. Incomplete and/or piecemeal applications and time sensitive documents

- 4.19. Given the number of submissions required, we understand that it is easier for applicants to submit documents on a 'piecemeal' basis. To comply with Data Protection legislation, the licensing authority will not accept and/or retain documents for an application, until a signed application form including the relevant privacy notice is received.
- 4.20. In recognition that some documents and application requirements are time-sensitive, any document(s) that time-expire (against any stated limitation of use) on account of any application(s) being made on a piecemeal basis will be required to be resubmitted afresh and dated within the permitted timescale concerned. The cost(s) of any necessary resubmission(s) shall, in all cases, be borne by the applicant.
- 4.21. Given the time-sensitive nature of some documents and the fact that other application requirements may depend on the aptitude, diligence and/or effort of the applicant e.g., completion of the Knowledge test, the licensing authority believes it appropriate to limit the time by which applications (not including applications for renewal) should generally be completed to within a period of 3 months.
- 4.22. Subject to the following, the licensing authority will refuse any application where it is not completed within this time.
- 4.23. However, in recognition that some application requirements must be obtained or certified by a third party, the licensing authority will disapply this policy restriction where –
- (a) the submission requirement has been applied for, and/or booked to be undertaken within 14 days of any application having been made, **and**
 - (b) the application / booking for the submission requirement can be suitably demonstrated.
- 4.24. By way of encouraging previously unsuccessful applicants to prepare more thoroughly, where an application is refused on this basis, the licensing authority will not accept a further application from an applicant until at least 3 months has passed from the date of the prior refusal. This policy shall apply, regardless of the nature of any current and/or past application(s) made.
- 4.25. As it will otherwise be unable to rely on them, the licensing authority may suspend any licence held, where any relevant time sensitive document(s) (e.g., DBS disclosure, MOTs, insurance documents, medicals etc) are submitted outside of the permitted timescales or otherwise time-expire. Where appropriate, all such documents will be required to be resubmitted afresh and

dated within the permitted timescale concerned. The cost(s) of any necessary resubmission will, in all cases, be borne by the applicant.

- 4.26. Whilst the licensing authority will endeavour to notify existing licence holders of the pending expiry of any time sensitive document(s), it asserts that it remains the responsibility of the relevant licence holder to ensure that any requisite document(s) is/are suitably maintained and have been submitted to the licensing authority prior to actual expiry.

4.27. First language policy

- 4.28. It is the opinion of the licensing authority that the provision and role of hackney carriage and/or private hire services involves the ability to suitably understand and communicate with a broad spectrum of customers and to respond to their associated needs. In view of the general communication requirements, and that English is the official language of England (where Rushmoor is situated), the licensing authority will apply an English only language policy in respect of all its documentation, application, and policy requirements.

- 4.29. Accordingly, all application forms and associated documents, policies, guidance and/or other information provided by us will be provided in English only, and unless otherwise stated, any information, submissions or documents must similarly be completed and/or provided by the applicant or licence holder in English only, and all qualifications and training courses must be completed in English only. Unless otherwise stated, no translation or interpretation shall be permitted and/or accepted.

- 4.30. However, where an applicant or licence holder suffers from some form of demonstrable disability e.g. dyslexia, the licensing authority may, subject to all relevant standards and requirements being met, allow for some limited assistance in making an application. However, so as to ensure common standards such assistance will be limited to, for example, asking knowledge test questions in person.

4.31. Change of name details

- 4.32. Where requested documentation demonstrates that an individual has changed their name for any reason at any time, they will also be required to provide suitable supporting documents giving effect to their change of name e.g., marriage certificate, deed poll, divorce papers etc.

4.33. Suitable equivalent documents, certifications and standards

- 4.34. In recognition that there may be different service providers and/or different levels of qualification for some of the submissions it requires, the licensing authority may, where appropriate, accept suitable alternative documents, and/or certifications where the proposed alternative –

- (a) provides for / covers / certifies the same (or enhanced) content or standards (in all respects) to that originally stated; and

(b) is readily verifiable.

4.35. Renewal and lapse of existing licences and time sensitive documents

4.36. In an effort to be helpful, the licensing authority will endeavour to remind licence holders of the pending expiry of any licence they hold and of other relevant time sensitive documents required to maintain their licence. However, it asserts that it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc in advance of expiry or when they may otherwise be needed, whether or not they have received a reminder from the licensing authority.

4.37. Renewal and lapse of existing licences

4.38. Licence holders who allow their licence to expire will be unlicensed and therefore not authorised to act or otherwise provide the activities for which the licence was originally granted or required. Driving, operating, using or permitting a vehicle to be used without the requisite licence is a criminal offence, and formal action may be taken where this occurs.

4.39. Applications for renewal must therefore be made in sufficient time to allow for them to be processed and determined before the expiry of the existing licence. To ensure that applications and licences are managed in a timely manner and do not unfairly cause (dis)advantage or prejudice to any of its policies, the maximum period before expiry that a renewal application will be accepted by the licensing authority is given in **Table 1** below:

Drivers Licence	2 calendar months
Vehicle Licence	28 days
Operator's Licence	2 calendar months

4.40. Applications which are made after the date of expiry of any (pre)existing licence will be treated as invalid/void and, where appropriate, individuals will be required to make a new application in full as though applying for the first time. As this may involve additional / new requirements (e.g., knowledge test), it is in each licence holder's self-interest to ensure that any application for renewal is made in full and in good time.

4.41. Applications for renewal of a licence that are made after the pre(existing) licence has expired will only be considered in genuinely exceptional circumstances, where there are good, justifiable reasons, supported by suitable evidence of the same, and usually where the delay in applying after expiry was a matter of only a few days.

4.42. To ensure transparency and fairness of continuity, any renewed licence will commence and take effect from the date of expiry of the (pre)existing licence. This shall be applied regardless of when an application for renewal is made and/or determined.

4.43. Disclaimer

4.44. The licensing authority accepts no liability for rejection, loss or delay(s) incurred due to late submission, the submission of documents of questionable validity or the submission of an incomplete application.

4.45. USE & EXCHANGE OF INFORMATION

4.46. Data protection and exchange of information

4.47. The licensing authority will comply with the Data Protection legislation and the Council's Data Protection policy. As a public task, the licensing authority may use and process sensitive and / or personal data where this is necessary for the exercise of its functions.

4.48. Confidential information

4.49. The licensing authority recognises that it is subject to legal restrictions on confidentiality of certain information it requires and holds in order to determine applications for, and/or to supervise, the various licences it issues (e.g. medical data, criminal conviction and similar background disclosures).

4.50. In exercise of its duties, the licensing authority will only disclose such information, as may be necessary, to those involved in the determination of relevant applications in accordance with this policy and/or the Council's constitution and scheme of delegation. The licensing authority will not divulge any such information to any third party otherwise than where it is permitted or required to do so by law.

4.51. Keeping personal information up-to date

4.52. To allow for communications and ensure that authorisations remain valid, both applicants and licence holders must formally notify the licensing authority (as soon as reasonably practicable) of any change of name, address or contact details (telephone, mobile, email address etc). Where appropriate the licensing authority may check any notified change of details and/or require suitable proof of identity and evidence of the change(s) made.

4.53. Whilst other channels of communication are available (e.g., telephone, face to face, letter) the licensing authority will generally send written communications and reminders by email. As such, all applicants and licence holders are required to provide an email address for associated correspondence.

- 4.54. As the licensing authority may have urgent cause to contact applicants and/or licence holders in circumstances and situations that may affect public safety and/or or protection e.g., medical issues, vehicle safety recalls, missing person enquiries etc., the licensing authority will take a serious view of any individual who fails to advise it of any relevant change in details.

4.55. PUBLIC REGISTERS & PROVISION OF INFORMATION

4.56. Public registers

- 4.57. In accordance with S42 of the Town Police Clauses Act 1847, S51(3) of the Local Government (Miscellaneous Provisions) Act 1976 and S167 of The Equality Act 2010, the licensing authority is obliged to maintain a public register of some of the authorisations that it issues and the vehicles designated as wheelchair accessible vehicles.

- 4.58. For ease of access, reference and transparency, all public registers, together with other information, will be maintained electronically on our website www.rushmoor.gov.uk. However, a hard copy of the public register may be obtained, for a fee, from Rushmoor Borough Council Offices.

4.59. Provision of Information

- 4.60. In accordance with legislative requirements and this policy, the licensing authority may share and disclose information (some of which may be personal information) with and obtain information from third party databases managed by outside organisations e.g., the Air Quality (Taxis & Private Hire Vehicles Database) (England & Wales) Regulations 2019, the National Fraud Initiative, the NR3 register, the Council's appointed medical advisor.

4.61. DELEGATION OF FUNCTIONS

4.62. Exercise and delegations of functions

- 4.63. All licensing decisions will be made, and functions carried out in accordance with the Council's Scheme of Delegation.

4.64. Emergency provisions

- 4.65. The licensing authority recognises that it cannot possibly account (in terms of policy or procedure) for all possible circumstances that may arise in connection with its taxi licensing functions. Accordingly, for any matter that is not suitably covered by this policy but may otherwise impact on public safety (whether real or perceived), the licensing authority may, in the interests of speed and efficiency of response to such matters, delegate licensing policy decisions to the relevant Cabinet member for Safety & Regulation.

4.66. IMPOSITION OF CONDITIONS ON LICENCES ISSUED

4.67. What we mean by 'conditions'

4.68. Conditions include any terms, limitations or restrictions attached to a relevant authorisation and are essentially the steps a licence holder will be required to comply with whenever acting in the capacity of a licensed driver, operator and/or when using or otherwise providing a licensed vehicle.

4.69. General principles on the imposition of conditions

4.70. The licensing authority will, where it is entitled to do so, impose conditions only in respect of matters that are within the control of the applicant and/or the holders of relevant authorisations.

4.71. As many issues of conduct, maintenance and operation of driver, vehicle and operator licences are generic, the licensing authority considers it appropriate to attach standardised conditions for each licence type issued in accordance with this policy. However, where appropriate, the licensing authority will impose conditions that are tailored to the individual, vehicle and/or premises concerned and/or the activities provided there.

4.72. The licensing authority will seek to avoid disproportionate and/or over burdensome conditions wherever reasonably practicable and will, where it is entitled to do so, seek to ensure that conditions –

- (a) are only imposed where legal authority exists to do so.
- (b) are reasonable.
- (c) are proportionate to any risks/problems identified.
- (d) directly relate to any harms being addressed.
- (e) are consistent in the circumstances.
- (f) are capable of being complied with by the relevant licence holder, and
- (g) do not unjustifiably duplicate the requirements of other legislation.

4.73. The licensing authority will, impose conditions that are clear, unambiguous, coherent, and enforceable.

4.74. Avoidance of conflicting conditions

4.75. The licensing authority will ensure, where it is entitled to do so, that no conditions are imposed on relevant authorisations that conflict with any other conditions.

4.76. Duplication with other statutory provisions

4.77. The licensing authority expects holders of relevant authorisations, their premises and business activities to comply with all other relevant legislative requirements (e.g. Health and Safety at Work etc Act 1974). The licensing authority will therefore, avoid the imposition of conditions that duplicate other regulatory requirements, unless -

- (a) other legislation does not adequately or specifically address the issues concerned; or
- (b) other legislation does not cover the unique circumstances that arise in connection with the particular activities and/or specific premises concerned; or
- (c) it is appropriate in the circumstances to take steps to promote the licensing objectives.

4.78. Enforcement of conditions and rights of appeal

4.79. Failure to comply with any condition attached to a relevant authorisation can be both a criminal offence and/or provide reasonable cause to suspend, revoke or refuse to renew relevant licences. As such, all parties will be informed of any statutory rights of appeal against the imposition of conditions, where provision has been made to do so.

PART E

5. DRIVER LICENSING

5.1. GENERAL

- 5.2. This policy document applies to individuals who seek or are otherwise entitled to drive a hackney carriage and/or private hire vehicle that would ordinarily be described as a standard motor vehicle (i.e., a purpose-built taxi, saloon car, MPV etc.)
- 5.3. Separate and/or additional policies and requirements may apply to applicants and drivers of non-standard vehicles (e.g., stretched limousines, novelty vehicles (e.g., fire engines), tuck tucks etc) and/or other non-motorised modes of transportation (e.g., pedicabs, horse and carriage etc).

5.4. Driver licensing requirements

- 5.5. It is the view of the licensing authority that separate driver licences must be held by and, where appropriate, issued in respect of any individual wishing to drive a hackney carriage and/or private hire vehicle.
- 5.6. However, for ease of administration and reduced costs to applicants, it is the policy of the licensing authority to offer drivers of either discipline the other type of driver's licence for an administrative cost only, providing all requirements are satisfied.

5.7. Parallel procedures

- 5.8. The statutory and practical criteria and qualifications necessary to obtain a private hire driver's licence are, subject to certain exceptions, similar to those necessary to obtain a hackney carriage driver's licence (whether on first-time grant or renewal). Unless otherwise stated, this section therefore applies equally to both private hire and/or hackney carriage drivers.

5.9. THE TERM AND DURATION OF DRIVER LICENCES

- 5.10. In accordance with S53 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority will, where appropriate, normally grant or renew a hackney carriage and/or private hire driver's licence for a period of three years; this being the statutory maximum period permitted. However, the licensing authority may, using its discretion, grant driver licences of shorter duration where it considers this to be reasonable and appropriate in the circumstances.

- 5.11. Licences of shorter duration will be granted on a case-by-case basis where there is an appropriate and justifiable reason to do so. However, without affecting its discretion, the licensing authority may limit the term or duration of a driver's licence in the following (and similar) circumstances -
- (a) in accordance with any work permit(s) and/or restrictions.
 - (b) where any warning as to future conduct has been given.
 - (c) where there is a medical issue/condition.
 - (d) where the driver applies for or requests a licence of shorter duration.
 - (e) to synchronise the licence with any other licence, application and/or policy requirements.
- 5.12. To ensure fairness and transparency, any applicable fees and charges (not including third-party charges) will, where the licensing authority limits the term or duration of a driver's licence (on application for grant or renewal), be levied at the approved specified rate.

5.13. ELIGIBILITY CRITERIA

5.14. Age of Drivers

- 5.15. Providing they meet the eligibility criteria and application standards; the licensing authority will disregard the age (as an isolated consideration) of any individual in determining their suitability to hold a hackney carriage and/or private hire driver's licence.
- 5.16. However, the licensing authority notes that entitlements to drive some categories of motor vehicles are age restricted by law and it is the responsibility of the driver to ensure that their DVLA driving licence entitles them to drive the type of vehicle being used before they do so. For example, conversion/adaptation of a minibus to a private hire vehicle does not alter the vehicles original weight or classification and/or the driving licence restrictions and entitlements applicable to drive the vehicle.

5.17. Fit and proper person

- 5.18. By virtue of S51 and S59 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority has a qualified discretion as to whether to grant a hackney carriage and/or private hire driver licence. These state that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is a 'fit and proper person' to hold such a driver's licence.
- 5.19. The licensing authority notes that the term 'fit and proper person' is not defined in law with any degree of particularity. However, the licensing authority believes that passengers and other road users should be able to rely on the assumption

that licensed drivers are good drivers with sufficient driving experience, knowledge, and skills as to safely negotiate the perils of the public highway and/or perform the duties of a licensed driver. The licensing authority also believes that passengers rely on the expectation that they will not be harmed in any way in use of a hackney carriage and/or private hire service and that the individuals providing them are not persons who would take advantage of their employment or position to abuse or assault their customers, others and/or their property.

- 5.20. For these reasons, the licensing authority contends that, in determination of fitness and propriety, it is entitled to consider **all** matters concerning an individual applicant or licence holder. For these purposes, the licensing authority will consider the entirety of the individual concerned and/or their character. This may include but is not limited to the individual's attitude and temperament.
- 5.21. As the character of an individual does not change simply because they wear a licence badge and/or are driving a licensed vehicle, the licensing authority will not confine itself to or simply be concerned with the individual's behaviour whilst working in the hackney carriage and/or private hire trade. The licensing authority notes that speeding, drink-driving, use of bald tyres etc are dangerous behaviours that put the public at risk, irrespective of the circumstances or situation.
- 5.22. For these collective reasons, the licensing authority will, where appropriate, seek to ensure that applicants and existing licence holders are both safe and suitable on demonstration that they are, and continue to be -
- (a) fit (mentally and physically) and in such condition as to be capable driving as, and, performing the duties of, a licensed hackney carriage and/or private hire driver.
 - (b) of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance).
 - (c) of suitable knowledge, experience and skills to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver.
 - (d) entitled and, where appropriate, authorised to live, work and/or drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK; and
 - (e) suitably insured to drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK.
- 5.23. For these collective purposes, the terms fit and proper, safe, and suitable may be used interchangeably and shall be construed accordingly.

5.24. Determination of fitness and propriety

- 5.25. The safety of the public shall be the overriding factor in considering whether or not a license shall be issued.
- 5.26. In considering whether an individual (whether applicant or licence holder) is and/or remains fit and proper, the licensing authority will pose and seek to address the following question (or similar); namely –

‘Without prejudice, and based on the information before me, would I allow any person for whom I care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?’

- 5.27. If, on the balance of probabilities, the answer to the above question (or similar) is ‘no’, the licensing authority will take the view that the individual (i.e., the applicant or licence holder) should not hold or be given a hackney carriage and/or private hire driver’s licence. In these circumstances, the licensing authority will suspend, revoke, or refuse the licence as may be appropriate.
- 5.28. Being grounded in civil law, the licensing authority recognises that all licensing decisions on the suitability of an applicant or licence holder are made on the balance of probability. In recognition that licensing primarily concerns safeguarding of the public, the licensing authority will take this to mean that an applicant or licence holder should **not** be given ‘the benefit of the doubt’. Therefore, in borderline cases, where it is considered 50:50 as to whether an individual is suitable, the licensing authority will also take this to mean that the individual (i.e., the applicant or licence holder) should not hold or be given a hackney carriage and/or private hire driver’s licence.
- 5.29. In all cases, the onus will rest with the applicant to prove their fitness and propriety to hold a licence to the satisfaction of the licensing authority.

5.30. General requirements

- 5.31. S57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.
- 5.32. For driver licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide, implement and/or maintain the following requirements:
- (a) suitable immigration and asylum status and/or work entitlement documents.
 - (b) suitable evidence of residential address
 - (c) a suitable DBS disclosure and subscription to the DBS Update service.

- (d) suitable certificate(s) of good conduct (or suitable equivalent documents).
- (e) a suitable declaration of previous application/licensed taxi driver history.
- (f) a suitable report of medical fitness.
- (g) a suitable DVLA drivers' licence and code to access DVLA record.
- (h) a suitable demonstration of knowledge, skills, and experience.
- (i) suitable certification of public liability insurance.
- (j) a suitable photograph.

5.33. Other requirements

- 5.34. In addition, and for reasons explained below, the licensing authority will, where appropriate, require applicants and existing licence holders to provide -
- (a) suitable demonstration of any other knowledge, experience and skills considered appropriate in the circumstances.
 - (b) further details associated with one or more of the above, including the circumstances and any aggravating or mitigating factors.
 - (c) confirmation of the operator that an applicant for a private hire drivers licence intends to receive bookings from.
 - (d) a suitable code to confirm an HMRC tax check.
- 5.35. In recognition that local knowledge and intelligence concerning individual applicants can help inform its determination of 'propriety', the licensing authority will, where appropriate, consult and/or apply to the following on any application for the grant (i.e., on first-time application) and/or renewal of a hackney carriage and/or private hire driver's licence; namely –
- (a) Any licensing authority where a licence has previously been held or applied for; and
 - (b) The NR3 database

5.36. POLICIES, STANDARDS AND RELEVANCE OF FITNESS & PROPRIETY REQUIREMENTS

- 5.37. The policies, standards, and considerations applicable to each of the above fitness and propriety requirements are set out below. These matters should not be seen as a comprehensive checklist. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence

should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be met by the applicant.

5.38. Immigration and asylum status and/or entitlements

5.39. S51 and S59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is not disqualified by reason of the applicant's immigration status from driving a hackney carriage and/or private hire vehicle.

5.40. By way of compliance with Immigration & Asylum legislation, it is the policy of the licensing authority to check an individual's immigration and asylum status; together with an individual's right to live and/or work in the UK.

5.41. For this purpose, the licensing authority will normally -

(a) follow and apply any guidance issued by the relevant Secretary of State.

(b) follow and apply the [Home Office \(and Border Agency\) guidelines for the prevention of illegal working in the UK](#) (or extant equivalent); and

(b) require applicants to provide suitable and sufficient documents as proof of identity and the right to live and work in the UK and where appropriate to provide a code to [Prove your right to work to an employer: get a share code - GOV.UK \(www.gov.uk\)](#).

5.42. Where appropriate, the licensing authority may also refer any such documents to, and undertake such evidence and enquiry checks with any relevant Government department or agency to confirm any individual's immigration and asylum status or their right to live and/or work in the UK.

5.43. Relevance of immigration and asylum status to driver licences

5.44. As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will refuse any application for a hackney carriage and/or private hire driver's licence and, may suspend or revoke any such licence that has been issued, where –

(a) the applicant fails to provide or otherwise maintain suitable and sufficient evidence of identity and/or the right to live and work in the UK; and/or

(b) there is any indication that the granting (whether on first time grant or renewal) or holding of a licence would be prejudicial to the prevention of illegal working.

- 5.45. Where appropriate, the licensing authority will –
- (a) issue a licence (whether on grant or renewal) in accordance with any work permit(s) and/or immigration restrictions and may, where it is entitled to do so, impose associated conditions and/or restrictions on the term, duration, nature, and extent of any licence accordingly.
 - (b) revoke and/or treat any licence held to have lapsed or otherwise to have ceased to have effect at any point from which the holder of a licence ceases to be entitled to work in the United Kingdom.
- 5.46. In recognition that an individual's right to live and/or work in the UK can change, expire, or otherwise be curtailed, the licensing authority will require, on condition of any licence granted, any licence holder to notify it, as soon as is reasonably practicable of any change in their immigration status.
- 5.47. As it may prevent it from taking relevant information into account and, as a potential indicator of dishonesty issues, the licensing authority will take a serious view of any individual that fails to comply with this condition.

5.48. Exceptions

- 5.49. In cases where an individual has suitably applied for extension, continuation, or variation (i.e., not on first time grant) of leave to remain in the UK, which is pending any decision or appeal and the Home Office have confirmed that the individual has continued right to work until it's determination, it is the policy of the licensing authority to grant a licence (whether on initial application or renewal for a licence), where appropriate, and pending the outcome of that decision, for -
- (a) Such period as to enable work until any scheduled hearing date; or
 - (b) such period as may be advised by a relevant Government department or agency.
- 5.50. However, so that it can be satisfied that an individual has suitably applied for extension, continuation, or variation of leave to remain in the UK, the licensing authority will apply this policy only where suitable evidence of delivery to **and** confirmation of receipt of any such application and that this provides continued right to work from the relevant Government department or agency can be provided. For this reason, applicants are advised to make any such application in good time.

5.51. Evidence of Residential Address

- 5.52. To ensure appropriate contact with applicants and licence holders, and the validity and accuracy of all documents provided. The licensing authority will require any applicant for a hackney carriage/private hire drivers' licence, whether for first-time grant or renewal to provide evidence of their current residential address in the form of a utility bill or bank statement dated within 3

calendar months of the date provided, or the current council tax bill, showing both their name and address as detailed on the submitted application form.

- 5.53. Where a licensed driver notifies the licensing authority of a change to their residential address, evidence of the change in the form of a utility bill or bank statement dated within 3 calendar months of the date provided, or the current council tax bill showing both their name and address.

5.54. Criminal Records & Similar Background Checks

- 5.55. As hackney carriage and/or private hire driver's work closely with all sections of society, including children and the vulnerable, the licensing authority believes that criminal record and similar background checks are particularly important safety measures in assessing the suitability of applicants for driver licensing purposes.

5.56. Disclosure & Barring Service (DBS) Disclosures & Update Service Status Checks

- 5.57. The licensing authority recognises the Disclosure and Barring Service (DBS) as the legitimate body to provide access to criminal record information through its disclosure service for England and Wales. The licensing authority also notes that the DBS make independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person and maintain lists of individuals barred from working in regulated activity with children and/or adults.

5.58. The frequency of DBS disclosure checks

- 5.59. Subject to any exemptions, the licensing authority will require applicants to submit a new and suitable disclosure from the DBS on initial application. **NB:** Third party non-refundable fees may be payable for DBS services.
- 5.60. However, given that an individual's criminal and similar background status can change at any point, the licensing authority may require a DBS disclosure and/or associated status checks to be undertaken at any time it is considered reasonably necessary.

5.61. Suitability of DBS disclosures

- 5.62. In seeking to promote its public safety and safeguarding objectives, the licensing authority will only accept original DBS disclosure certificates that -
- (a) are an 'enhanced' disclosure; and
 - (b) include a check of the barred lists as to whether the relevant individual is barred from working in regulated activity with children or adults; and
 - (c) have been applied for the specific purposes of checking the applicant's suitability to work with the appropriate workforce for the licence applied for

(other workforce unless the licence applied for is a restricted licence, and the nature of the restriction means that another workforce is applicable e.g., school contracts only); and

- (d) where the applicant is a member of the DBS update service (in respect of the certificate provided) and provides signed consent for the licensing authority (and/or its third-party provider where one is used) to access the update service and carry out status checks.

5.63. DBS Update Service

5.64. To strengthen its public safety and safeguarding objectives and reduce the administrative burden on applicants / licence holders of repeat manual DBS disclosure applications, the licensing authority (or its third-party provider where one is used) will carry out regular checks (at intervals of no more than 6 months) of the DBS Update service in respect of all currently licensed drivers and applicants.

5.65. The licensing authority will, in all cases, require a new DBS disclosure certificate to be applied for within 48 hours if, after undertaking a status check, there is any indication of an update to the original disclosure certificate, or that new information is available since the original disclosure certificate was issued.

5.66. Where there is any indication of an update or that new information is available to the original disclosure certificate issued, the licensing authority expects that the individual (whether applicant or licence holder) applies for a new DBS disclosure certificate within 48 hours of being asked to do so, ensures that the new disclosure certificate is linked to their update service account, and provides a new signed consent for the licensing authority (and/or its third-party provider where one is used) to carry out DBS update service status checks. The licensing authority also expects applicants and licensed drivers to notify it of any criminal conviction or case pending against them as soon as reasonably practicable.

5.67. Relevance of DBS Disclosures & Update Service requirements

5.68. As it will otherwise be unable to satisfy itself of their background and/or [continuing] propriety, the licensing authority will take the view that an individual (whether applicant or existing licence holder) should not hold or be given a hackney carriage and/or private hire drivers licence where the individual –

- (a) fails, or is otherwise unable to provide or obtain a suitable DBS disclosure certificate and/or maintain the update service requirements (as appropriate);

- (b) otherwise fails (for whatever reason) to provide anything necessary to enable a requisite disclosure to be issued or update service subscription and/or nomination to be maintained in accordance with DBS guidelines.

5.69. Subject to the policies on barred list entries, the licensing authority will determine the relevance of convictions etc and other background information it receives by virtue of a DBS disclosure (and/or update service) by reference to the policies and general guidelines set out at **appendix C**.

5.70. Relevance of barred list entries

5.71. The licensing authority notes that drivers working or intending to work under an arrangement to transport children may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2015. The licensing authority further notes that this legislation makes it an offence to knowingly allow a barred individual to work in regulated activity. Conversely, the licensing authority recognises that the driving of a taxi or private hire vehicle is not in itself, a 'regulated activity' as defined by the 2015 Act, and therefore, an individual subject to barring would not be statutorily prevented from being a hackney carriage and/or private hire vehicle driver.

5.72. In both cases, in the interests of public safety and/or safeguarding, the licensing authority will take the view that any individual (whether applicant or licence holder) appearing on any barred list (whether child or adult) should not hold or be given a hackney carriage and/or private hire driver's licence.

5.73. Referrals to DBS and the police

5.74. In recognition of the Council's wider safeguarding role and responsibilities, the licensing authority may, in some circumstances, make a referral about an individual to the DBS where it considers it appropriate to do so under the Safeguarding Vulnerable Groups Act 2006. Without limitation, the licensing authority may make such a referral to the DBS, when it is thought that -

- (a) an individual has harmed or is thought to present a risk of harm to a child or vulnerable adult.
- (b) an individual has satisfied the 'harm test'; or
- (c) an individual has received a caution or conviction for a relevant offence; and
- (d) the individual concerned is, has or might in future be working in regulated activity; and/or
- (e) the DBS may consider it appropriate for the person to be added to a barred list.

5.75. For these purposes, and consideration as to whether to make any such referral, the licensing authority will have regard to the [Disclosure and Barring service \(DBS\) guidance about making referrals](#) (or extant equivalent). The terms 'harm', 'harm test', 'relevant offence' and derivatives thereof shall be construed in accordance with this guidance.

5.76. To aid further the quality of the information available to all parties that have safeguarding duties, a revocation or refusal of a licence on public safety grounds will be detailed on the NR3 database.

5.77. Overseas criminal records certificate(s), Statement(s) of Good Conduct / Character and equivalent documents

5.78. The licensing authority notes that the DBS cannot access criminal records held overseas and that any DBS disclosure or status check (c/o the DBS Update Service) will only give background details of any convictions, cautions etc that were issued in the UK. It is therefore the policy of the licensing authority to require first-time applicants who have lived outside of the UK for a period of more than 3 continuous months, since the age of eighteen, to submit (at their own expense and, in addition to a DBS disclosure), a suitable statement of good conduct (or suitable equivalent document) in respect of **each** country in which they have previously lived / been resident (other than where they lived in the country as a period of service in HM armed forces). Licence holders who visit another country after the issue of their licence for more than 3 continuous months will also be required to provide a suitable statement of good conduct (or suitable equivalent document) on their return.

5.79. Obtaining a statement of good conduct (or suitable equivalent)

5.80. The licensing authority notes that most statements of good conduct can generally be obtained from the relevant UK embassy or police authority for the country concerned. However, the licensing authority also notes that some overseas states, provinces, territories, or jurisdictions may have different arrangements and/or procedures and statements of good conduct can be highly variable in format and content.

5.81. For these reasons, and to ensure their authenticity and efficiency of use, the licensing authority will, where appropriate, require and only accept original statements of good conduct or equivalent documents specified and obtained in accordance with, and from the relevant bodies and/or authorities detailed in the Home Office guidance entitled '[Guidance on the application process for criminal records checks overseas](#)' (or extant equivalent).

5.82. Where appropriate, a suitably translated copy of each document (if any original is not in English), certified as a true and accurate translation of the original by a suitable independent and UK-based translation company, solicitor or the relevant Embassy or authority concerned may also be required.

5.83. To ensure currency, the licensing authority will consider any certificate of good conduct (or suitable equivalent) to be valid only where it is dated within 6 months of the date of application or, otherwise within the expressed period of validity of the document concerned; whichever is the shorter. However, the licensing authority may accept older certificates of good conduct (or suitable equivalents) where it can be satisfied that the applicant has not subsequently lived in any of the countries concerned since the documents were first obtained

(e.g., by provision of full passport and/or address history and supporting documents).

5.84. Relevance of certificates of good conduct

5.85. As it will otherwise be unable to satisfy itself of the applicant's background and propriety, the licensing authority will refuse any application for a hackney carriage and/or private hire drivers' licence where the applicant fails or is otherwise unable to provide or obtain a suitable certificate of good conduct (or suitable equivalent) where this may be appropriate.

5.86. Where an overseas state, province, territory, or jurisdiction does not have a functioning criminal record regime, are unable to provide statements of good conduct (or suitable equivalents) or it is not possible for an applicant to apply for one, additional information may be requested regarding the individual's background and employment history. Consideration will be given on a case by case basis, and where there are exceptional circumstances a licence may be issued subject to all other requirements being met.

5.87. Where appropriate, the licensing authority will determine the relevance of convictions etc and any other background information it receives by virtue of a statement of good conduct (or similar / equivalent) by reference to the policies and general guidelines set out at **appendix C**.

5.88. National Register of Revocations, Refusals (NR3) and Previous Applications / Licensed Taxi Driver History

5.89. The licensing authority recognises the general powers afforded to local authorities to grant, refuse, suspend and/or revoke a hackney carriage and/or private hire driver licence. The licensing authority also recognises that unsuitable individuals may make application to it in an attempt to secure a licence following refusal or revocation elsewhere.

5.90. For these reasons, and by way of taking account of as full a background history as possible, the licensing authority will require all applicants to provide details of all previous applications and/or licensing history. For these purposes, the licensing authority will require all applicants (on grant or renewal) to formally declare -

(a) whether or not any hackney carriage and/or private hire driver licence application(s) or licence(s) have previously been made to, or issued by any other authority; and

(b) the following details of any such application(s) made to and/or licence(s) issued by any other authority where appropriate, including –

(i) the application reference or licence number.

(ii) the authority to, or with whom, the application was made, or licence held.

(iii) the date(s) when the application was made, or licence held.

- (iv) the application outcome.
- (v) the details of any actions that resulted in the suspension, revocation and/or the refusal to grant or renew any such licence; and
- (vi) any reasons given for the outcome or actions specified.

5.91. To ensure accuracy and as full a background history as possible, the licensing authority will also subscribe to, and check the declaration(s) made against the National Register of Taxi Licence Revocations & Refusals (known as the 'NR3') hosted by the National Anti-Fraud Network (NAFN) (or extant equivalent).

5.92. In recognition of the NR3 as a mechanism for licensing authorities to share details of individuals who have had a hackney carriage and/or private hire driver's licence revoked, or an application for one refused, the licensing authority will also provide information to the NR3 (or extant equivalent) where appropriate. Accordingly, the licensing authority will –

- a) check the NR3 for details of any applicant (whether on grant or renewal); and
- b) seek further information about any entry on the NR3 from the authority that recorded it, where any NR3 search indicates a match with any applicant; and
- c) record any decision it makes to refuse or revoke a hackney carriage and/or private hire driver's licence on the NR3.

5.93. As it may provide for important background information, the licensing authority will require, on condition of any licence granted, any licence holder to notify it, as soon as is reasonably practicable, of any application subsequently made, any relevant licence consequently granted to them or refused or the suspension or revocation of any relevant licence, by any other authority. For these purposes, the term 'relevant licence' shall be taken to mean any hackney carriage and/or private hire vehicle, driver's and/or operator's licence. As it may prevent it from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition.

5.94. Overarching principles

5.95. This policy covers the use that the licensing authority (Rushmoor Borough Council) will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a hackney carriage and/or private hire drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

5.96. The licensing authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

- 5.97. When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the licensing authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 5.98. Any information that is received from any other authority in relation to an application will only be used in relation to hackney carriage and private hire applications, and the determination of them, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in and in accordance with the Council's retention guidelines.
- 5.99. The data will be held securely in accordance with the Council's general policy on the secure retention of personal data which is available on our website. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Council's general policy on the erasure and destruction of personal data.
- 5.100. Making a request for further information regarding an entry on NR3**
- 5.101. When an application is made to the licensing authority for the grant of a new, or renewal of, a hackney carriage and/or private hire driver's licence, this authority will check the NR3.
- 5.102. The licensing authority will make and retain a clear written record of every search that is made of the register. This will detail:
- (a) the date of the search.
 - (b) the name(s) searched.
 - (c) the reason for the search (new application or renewal).
 - (d) the results of the search, and
 - (e) the use made of the results of the search.
- 5.103. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained in accordance with the Council's retention guidelines.
- 5.104. If the licensing authority discovers any match (i.e., there is an entry in the register for the same name and identifying details), a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of the licensing authority's data protection policy in relation to the use of any data that is obtained as a result of this process. This request will be made in writing.
- 5.105. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

5.106. Responding to a request made for further information regarding an entry on NR3

- 5.107. When the licensing authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained in accordance with the Council's retention guidelines.
- 5.108. Recognising that it is unlawful to simply provide information as a blanket response to every request, the licensing authority will then determine how to respond to the request.
- 5.109. Where satisfied that the other authority's (the 2nd authority's) request is lawful, consideration will then be given as to what information will be disclosed.
- 5.110. Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a hackney carriage and/or private hire driver. Data is held on the NR3 register for a period of 25 years, but the licensing authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.
- 5.111. Where appropriate, the licensing authority will disclose information relating to a revocation or refusal to grant a hackney carriage and/or private hire drivers' licence. In every case, consideration will be given to the full circumstances of the decision.
- 5.112. Any information will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.
- 5.113. The licensing authority will make and retain a clear written record of every decision that is made as a result of a request from another authority. This will detail what action was taken and why, together with the following information; namely -
- (a) the date the request was received
 - (b) the name(s) searched
 - (c) whether any information was provided
 - (d) if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
 - (e) if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made), and
 - (f) how and when the decision (and any information) was communicated to the requesting authority.
- 5.114. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained in accordance with the Council's retention guidelines.

5.115. Using information obtained as a result of a request to another authority

5.116. When the licensing authority receives information as a result of a request that it has made to another authority, it will take that information into account when determining the application for the grant or renewal of a hackney carriage and/or private hire drivers' licence. This will be in accordance with the usual process for determining applications.

5.117. The licensing authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

5.118. Common Law Police Disclosure Scheme (CLPDS) (or similar)

5.119. The licensing authority notes that the Common Law Police Disclosure scheme (CLPDS) enables the police to pass it information (e.g., of arrest and/or charge) on any individual where there is a public protection risk.

5.120. As CLPDS disclosures are generally made where there is a potential public protection risk, the licensing authority will actively seek to assess the risk and investigate all CLPD notifications made to it under this scheme. For these reasons, the licensing authority will take a serious view of any licence holder who seeks to frustrate, obstruct, or otherwise fails to provide such assistance or information as may reasonably be required to investigate any CLPDS disclosed matters in a timely manner. Subject to the seriousness of the case and, as an indicator of propriety, this may result in the suspension or revocation of any licence held, even in the first instance.

5.121. Where appropriate, the licensing authority will determine the relevance of any background information it receives as part of a CLPDS disclosure, by reference to the policies and general guidelines set out at **appendix C**.

5.122. Self-reporting of criminal & similar background issues

5.123. In recognition of the -

- (a) importance of DBS (and similar background) checks in promotion of its public safety and safeguarding objectives.
- (b) the time between DBS update service checks, and
- (c) the provisions of the Common Law Police Disclosure Scheme

... the licensing authority will, in additional to any other requirements, require, on condition of any licence granted, any licensed individual to –

- (a) notify and disclose their licensed status and occupation to the relevant police officer and/or court (whether in the UK or abroad) if subject to

investigation, arrest, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification; and

- (b) formally notify the licensing authority, within 48 hours of any investigation, arrest and release, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification issued by the police or any other authority; regardless of whether any of these arise or occur in the UK or abroad. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.

5.124. As it may prevent the police, court(s) and/or the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with either of these conditions, particularly where they drive/operate and derive a monetary benefit from their activities. In particular, the licensing authority may consider failure to comply with these conditions as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the initial allegation, investigation, circumstance, or case concerned.

5.125. Medical fitness to driver / perform licensed driver duties

5.126. General medical requirements

5.127. The licensing authority notes that a variety of medical conditions, medications, and treatments (and the potentially complex interactions between them) can affect safe driving and/or the ability to perform the duties of a licensed hackney carriage and/or private hire driver. As professional drivers, and in accordance with DfT guidance the licensing authority will consider and determine the medical / physical fitness of applicants and licence holders by reference to the DVLA Group 2 medical standards in respect of all applicants and holders of a private hire and/or hackney carriage drivers' licence. For these reasons, and to help determine and monitor the 'fitness' of any individual applicant or licence holder, it is the policy of the licensing authority that they be required to –

- (a) submit a prescribed medical report on their medical fitness from time to time; and
- (b) declare and submit, where appropriate, suitable details of any change in medical circumstance(s), condition(s), medication(s) and/or treatment(s); and
- (c) submit suitable additional specialist medical documents or information (on assessment and/or testing where necessary) about any medical condition(s), medication(s) or treatment(s) as may be appropriate.

NB: Third party non-refundable fees may be payable for these services for which all costs incurred in connection thereof must be met by the individual applicant or licence holder.

5.128. Medical requirements for those with disabilities

5.129. The licensing authority also notes that some disabilities may be (in)compatible with the ability to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver (e.g., carriage of luggage, (un)loading of passengers in wheelchairs etc).

5.130. Accordingly, and where appropriate, an individual who has, or develops, any disability or associated condition may, in addition to the general medical requirements outlined above, also be required to be medically assessed (at their own expense) at an approved assessment centre. This accords with the DVLA Group 2 medical standards which lists the approved assessment / mobility centres concerned.

5.131. Frequency of general medical check requirements

5.132. To ensure a reasonable frequency of medical checks, currency and relevance, the licensing authority will require applicants and licence holders to submit a suitable medical report at intervals specified in the DVLA group 2 medical standards.

5.133. Frequency of medical checks for those with health-related impairments or risk related conditions

5.134. Regardless of the above, the licensing authority recognises that a variety of medical conditions, treatments and disabilities may affect an individual's ability to drive or otherwise perform the duties of a licensed driver and that medical circumstances and/or conditions can change quickly from any point in time. The licensing authority is also aware that there may be special requirements in respect of some medical conditions and/or disabilities. The licensing authority may therefore require and, where appropriate, condition a requirement for, additional assessments, tests and/or submission of suitable medical reports and information at any time and at such frequencies and/or to such standards as may be considered appropriate in the circumstances.

5.135. Where appropriate, these will reflect the frequencies and standards expressed or implied in the DVLA Group 2 medical standards. However, in borderline or complex cases, or cases where there may be contributory and/or complicating factors, the licensing authority will have regard to, the advice and/or recommendations of its Medical Advisor.

5.136. Changes to medical status/fitness and/or ability to perform licensed driver duties

5.137. The licensing authority expects and will, on condition, require relevant licence holders to advise it, as soon as is reasonably practicable, of any change and/or deterioration to their health or medical status that may affect either –

- (a) their driving capabilities and/or driving entitlements; or

- (b) their ability to perform the duties of a hackney carriage and/or private hire vehicle driver (e.g., to comply with the mobility assistance requirements).

NB: Although some medical conditions may not affect an individual's ordinary domestic ability or entitlement to drive, these may not meet the extant DVLA Group 2 standards of medical fitness applied. Individuals are therefore encouraged to discuss/report any change in medical circumstances with the licensing officer.

5.138. In recognition that medical (un)fitness can impact both on driver and public safety, the licensing authority will take a serious view of any licensed driver who fails, without reasonable excuse, to inform it of any significant change to their medical fitness/status; particularly where they continue to drive/operate and derive a monetary benefit from their activities.

5.139. Where appropriate, and in cases of doubt of medical fitness, the licensing authority may require those who experience or are suspected of a change in their medical status to undergo and pay for further medical examination on referral to and/or advice of the Council's independent medical advisor.

5.140. Obtaining a medical report or other information

5.141. To ensure, so far as is reasonably practicable, consideration of medical standards against all relevant histories and records, the licensing authority will require its general medical reports to be completed by the applicant / licence holders registered GP surgery.

5.142. However, in recognition, that a limited number of GP surgeries do not carry out medicals for licensing purposes, medical forms completed by a GMC registered doctor with full access to the applicants' / licence holders' medical records, not based at the applicants registered GP surgery, may be accepted with written approval of the licensing authority prior to the medical being carried out. Approval will be considered on a case-by-case basis and will only be issued on receipt of written evidence from the registered GP surgery (on headed paper) that they do not provide the service required.

5.143. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that general medical reports be -

- (a) in prescribed form;
- (b) completed / submitted in written English;
- (c) authenticated by and/or bear the stamp of the relevant practitioner or surgery; and
- (d) dated within 1 month of the date of submission.

NB: Third party non-refundable fees may be payable for these services and must be met by the individual applicant or licence holder.

5.144. So as to ensure a suitable degree of impartiality, authenticity and efficiency of use, any other specialised medical report or information that is required by the licensing authority or is otherwise submitted in support of an individual's medical fitness, must be –

- (a) completed / submitted in written English, and
- (b) provided on suitable letter headed paper (or in association with a suitably headed covering letter) that includes the specialists contact details.

NB: To ensure that medical conditions, medications and treatments are assessed against consistent standards, any GP or independent specialist used must hold a current verifiable registration with the General Medical Council (GMC) and a licence to practice.

5.145. Medical Advisor

5.146. The licensing authority recognises that its officers and those that may be called upon in determination of fitness matters are generally not medically trained or medical professionals. Accordingly, to assist it in determination of any individual's fitness, the licensing authority may appoint and refer any medical details (together with any other relevant information supplied) to a suitable Medical Advisor for guidance.

5.147. In appointing a Medical Advisor and in affording individual's the opportunity to submit or notify relevant medical information or changes in circumstances by virtue of the policies and requirements outlined in this part, the licensing authority -

- (a) will have regard to, the advice and/or recommendations of its appointed Medical Advisor.
- (b) will determine fitness issues based on the information made available to it (and its agents or representatives) at the time.
- (c) does not consider it appropriate and will not therefore entertain requests for a second medical opinion, unless otherwise requested by the Council's Medical Advisor.

5.148. In view of the variety and potential complexity of medical conditions etc that may affect an individual's ability to drive or otherwise perform the duties of a licensed driver, the licensing authority notes that the Council's Medical Advisor may sometimes require additional consultation on, and/or clarification of medical details and history. Given accepted rules of medical confidentiality, the licensing authority may therefore, in addition to the general medical requirements outlined above, require -

- (a) the consent of any individual to allow, where appropriate –

- (i) the Council's Medical Advisor to directly consult the individual's doctor(s) and/or specialist(s); and/or
 - (ii) the individual's doctor(s) and/or specialist(s) to release relevant medical information to the Council and its Medical Advisor.
- (b) any individual, to submit to examination or review (i.e., a face to face) by the Council's Medical Advisor (or suitable equivalent).

NB: Third party non-refundable fees may be payable for these services and must be met by the individual applicant or licence holder.

5.149. Relevance of medical conditions, report notifications and standards

5.150. The licensing authority notes that medical conditions, disabilities, medications, and treatments (and their potentially complex interactions) can affect the safety of those using licensed vehicles and therefore others, who may be put at risk from unfit drivers (e.g., other road users etc). The licensing authority will therefore, where appropriate, consider that a hackney carriage and/or private hire drivers' licence should not be held or given to any individual (whether applicant or licence holder) who -

- (a) does not meet the given medical standards; or
- (b) fails to provide any relevant medical consent, information, or report, attend any medical review, test, or assessment on request or otherwise in accordance with its licensing requirements and/or licence conditions; or
- (c) fails to use or comply with any health-related impairment or risk mitigation measure (whether specified on condition of licence or not); or
- (d) suffers from a 'relevant disability' as defined in the Road Traffic Act 1988 (or extant equivalent) as those that are prescribed in law or any other disability where driving is likely to be a source of danger to the public.

5.151. However, the licensing authority recognises that some medical conditions may be both temporary, treatable and/or capable of being suitably managed. Accordingly, and where appropriate, the licensing authority will, subject to medical advice, consider it more reasonable and proportionate to temporarily suspend any existing licence in such circumstances.

5.152. In addition, recognising that some medical conditions and/or risks may be managed through driver responsibility, the licensing authority may require, on condition and, where appropriate, the suitable mitigation of any health-related impairments or risks. This may include but is not limited to the following example measures (and/or similar).

- (a) Restrictions on driving (e.g., at night where there is a glare problem).

- (b) Provision and use of a remedy (e.g., use of distant-vision glasses).
- (c) Use of less impairing remedies (e.g., use of non-sedating antihistamines).
- (d) Limitations and/or adaptations of vehicle (e.g., to accommodate any limitations of movement or function).
- (e) More frequent assessment, testing, monitoring and review of the medical condition or risk concerned.

5.153. For the collective reasons outlined above, the licensing authority considers the provision of medical information a particularly important measure in assessing and monitoring the fitness (and therefore the safety) of individuals for driver licensing purposes. The licensing authority will therefore require, on condition of any licence granted, any licence holder to formally notify it, as soon as is reasonably practicable of any change in their medical circumstances (including any prescribed medication(s) and/or treatment(s)) (whether arising in the UK or abroad).

5.154. As it may prevent it from taking relevant information into account in protecting driver and public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition; particularly where this may affect their fitness or ability to drive or carry out the duties of a licensed hackney carriage and/or private hire driver.

5.155. Medical exemptions

5.156. The licensing authority recognises that some medical conditions can be made worse by the nature and type of work an individual performs, and that some conditions may prevent certain types of activity. For this purpose and in compliance with the provisions of the Equality Act 2010, the licensing authority will allow the following exemptions from the normal duties of a licensed hackney carriage and/or private hire driver where satisfied that there are good medical reasons to do so.

- (a) **Exemptions from the mobility assistance provisions in the Equality Act 2010 / Taxi and Private Hire Vehicles (Disabled Persons) Act 2022** – may be permitted on medical grounds where the licensing authority is satisfied of any condition, which makes it impossible or unreasonably difficult to provide mobility assistance.
- (b) **Exemption from the carriage of assistance dogs** - may be permitted where the licensing authority is satisfied of any condition, which is aggravated by contact or exposure to dogs.

5.157. To ensure transparency and fairness, the licensing authority will grant exemption only -

- (a) where the applicant or licensed driver provides suitable medical evidence (at their own expense) and, where appropriate, a medical history of and

care plan for the condition concerned to the satisfaction of the Council's Medical Advisor.

- (b) for such period as may be recommended by the Council's Medical Advisor on review of the medical evidence and history concerned, but in any event no longer than the duration of the licence holders current private hire / hackney carriage driver's licence.

5.158. However, in deciding whether to issue an exemption certificate the licensing authority may also have regard to the physical characteristics of the vehicle which the individual (whether applicant or licence holder) will drive or those for any kind of vehicle in relation to which the applicant or licence holder requires the exemption. Subject to medical advice, applications for medical exemptions from mobility assistance provisions will not be granted in respect of vehicles fitted with passenger lifts, swing seats or similar lifting aids. Similarly, applications for assistance dog exemptions, will not be granted in respect of vehicles fitted with bulkheads or other compartmentalised separation features where there is independent ventilation to the driver and/or any passenger compartment is easily cleansable (i.e., does not trap dog hair etc.).

5.159. Where appropriate, and in recognition of the requirements of the law and its general policy on the accessibility of vehicles, the licensing authority will grant exemption by means of an exemption certificate showing the photograph of the exempt driver concerned. For clarity and communication to passengers, any exemption certificate(s) granted must, on condition, be always displayed in the relevant vehicle when the relevant driver is working.

5.160. Applicants / licence holders with Diabetes

5.161. To be consistent in the application of the DVLA Group 2 medical standards, the licensing authority will also check diabetes management requirements, in the same way that the DVLA do, in accordance with the guidance document [Diabetes mellitus: assessing fitness to drive - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347222/Diabetes_mellitus_assessing_fitness_to_drive.pdf)

5.162. Costs of medicals and associated requirements

5.163. In recognition that medical fitness and associated circumstances are unique to each individual, the licensing authority considers it appropriate that all costs incurred in connection with the assessment and determination thereof should, in so far as it relates to any application (whether on grant or renewal) or current licence, be met by the individual applicant / licence holder concerned.

5.164. Accordingly, whilst third party non-refundable fees may be payable for some medical services (e.g., general medical from GP), the licensing authority will seek to (re)cover the cost of use of its Medical Advisor in respect of any individual application (whether on grant or renewal). For these purposes, the licensing authority will therefore levy an additional and separate charge for any and each referral to, assessment or review by its Medical Advisor. Such charges and associated payments will be considered to be third party non-

refundable fees that are entirely separate to and, in addition to any application fee. As such, these shall, where appropriate, be payable in advance.

5.165. In view of the above, medical issues will only be referred to the Medical Advisor where any contra-indicator to the Group 2 medical standards is identified from any prescribed medical report or information submitted in connection thereof, or where a medical exemption is requested.

5.166. Substance misuse and testing

5.167. Further to the above, the Council is aware that the supply and use of drugs (whether prescribed and/or lawful or not) and other substances (e.g., alcohol and/or psychoactive substances) is increasingly pervasive within society and the individual communities it serves.

5.168. Whilst mindful of the illegalities surrounding the handling, possession, and supply of illicit drugs etc, the licensing authority is particularly concerned with the potential for drug and/or drink-driving by licensed drivers in and amongst the taxi and private hire trades. Indeed, various substances can seriously impair the judgement, reaction(s) and other capabilities of drivers and therefore, not only affect the safety of the drivers who (mis)use them, but also those using licensed vehicles and others who may be put at risk by unfit drivers (e.g., members of the public and other road users etc).

5.169. In view of the above, it is the contention of the licensing authority that substance misuse is simply **not** compatible with professional driving or with the fitness standards applicable to licensed drivers. For these reasons, the licensing authority will seek to deter and detect substance misuse amongst licensed drivers; whereby the licensing authority will not tolerate substance misuse by any licensed driver at any time.

5.170. To help deter and detect substance misuse and thereby help determine and/or monitor the suitability of any individual, the licensing authority may, in addition to any other medical requirements, also require –

- (a) applicants to provide a saliva or breath sample for the purposes of substance screening / testing at any point during the application process for grant or renewal of a licence immediately on request; and
- (b) existing licence holders to provide a saliva or breath sample for the purposes of substance screening / testing immediately on request.

5.171. Without prejudice to the generality of the above, requirements to provide a saliva or breath sample for the purposes of substance screening / testing on request shall include, but not be limited to -

- (a) on notification of any accident to or involving any licensed vehicle driven by the licence holder concerned.

- (b) on receipt of any complaint and/or notification of any incident involving the licence holder concerned.
- (c) where the behaviour of the licence holder / applicant is of concern (e.g., acting strangely, out of character etc) and/or where we suspect that the licence holder is under the influence of drugs and/or alcohol.
- (d) where there is any history, intelligence, suggestion and/or concern about the licence holder / applicant using or being under the influence of drugs and/or alcohol.

5.172. For these purposes, the licensing authority may also carry out periodic proactive random substance screening / testing on applicants / licensed drivers, vehicle proprietors and operators as appropriate.

5.173. Relevance of substance screening / testing

5.174. The licensing authority notes that substance misuse can seriously impair the judgement, reaction(s) and other capabilities of drivers and may therefore affect the safety of drivers, those using licensed vehicles and others who may be put at risk by unfit drivers (e.g., members of the public and other road users etc). The licensing authority will therefore, where appropriate, refuse any application (whether on grant or renewal) and suspend or revoke the relevant licence(s) of any individual –

- (a) where there is any evidence of use of any one or more illegal substance(s);
- (b) where there is any evidence of driving whilst over the legal limit of any legal substance e.g. alcohol, prescription medication, or
- (c) who fails or refuses to provide a breath or saliva sample for these purposes.

5.175. Where refused, suspended or revoked as a result of a non-negative result in any substance screening, consideration and determination of future applications, or reinstatement of suspended licence will be considered with reference to the policies and general guidelines set out at **appendix C**.

5.176. Reporting of medical issues to the DVLA

5.177. The licensing authority notes that all drivers (including hackney carriage and/or private hire driver applicants and licence holders) have a legal duty to –

- (a) notify the DVLA of any injury, illness or condition that would have a likely impact on safe driving ability (except for some short-term conditions).
- (b) respond fully and accurately to any requests for information from either the DVLA or relevant healthcare professionals.

- (c) comply with the requirements of any driving licence issued, including any requirements for periodic medical reviews indicated by the DVLA; and
- (d) adhere, with ongoing consideration of fitness to drive, to prescribed medical treatment(s), and to monitor and manage any condition(s) and/or adaptations as appropriate.

5.178. As it may prevent the DVLA, relevant health professionals and/or the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with their statutory duties. In particular, the licensing authority may consider failure to comply with such duties as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the medical issue or circumstance concerned.

5.179. Authorisation to drive a motor car

5.180. S51(b) and S59(b) of the Local Government (Miscellaneous Provisions) Act 1976 states that the licensing authority **cannot** grant a hackney carriage and/or private hire vehicle driver's licence to any person who has not –

- (a) for at least twelve months been and/or
- (b) is not at the date of the application for a hackney carriage and/or private hire driver's licence,

... the holder of a **full** driving licence (i.e., not a provisional licence) suitably authorising him to drive a motor car.

5.181. Other driving licence requirements – Driving Licence Validation

5.182. The licensing authority is aware that the physical holding of a driving licence / photocard can be an unreliable guide to an individual's eligibility to drive. For example –

- (a) endorsements and penalties incurred in the UK cannot be affixed to non-GB driving licences, unless the licence is suitably registered with the DVLA; and /or
- (b) failure to submit a driving licence to the DVLA to record any endorsements may result in automatic revocation of a licence, rendering the driver, unlicensed and uninsured.

5.183. In view of the above, the licensing authority will require all applicants to submit (both on initial grant and on every renewal) –

- (a) a suitable (and original) up-to-date driving licence (i.e., photocard) which –
 - (i) if a UK DVLA driving licence, bears the current address of the applicant where (s)he is ordinarily resident in the UK; or

- (ii) if a non-UK DVLA driving licence (i.e., of foreign jurisdiction), is accompanied by a suitable (and original) up to date D9(1) certificate of registration (or extant equivalent) issued by the DVLA that bears the current address of the applicant where (s)he is ordinarily resident in the UK.
- (b) a suitable 'Check Code' generated by the DVLA 'View Driving Licence' service (www.gov.uk/view-driving-licence) (or extant equivalent) to enable the licensing authority to access their DVLA driving record. This is a free 24/7 third party service and providing the one-time code to the licensing authority to access this is consenting to them accessing the information available as a result.

5.184. The frequency of DVLA driving licence record checks

5.185. As disqualifications, endorsements, penalties and restrictions may be applied at any time during the term of a driver's licence, the licensing authority may require, on condition of any licence granted, provision of a 'Check Code' generated by the DVLA 'View Driving Licence' service (www.gov.uk/view-driving-licence) (or extant equivalent) at any time it is considered necessary in the circumstances.

5.186. Relevance of driving licence validation

5.187. As it will be unable to satisfy itself of their authorisation to drive, the licensing authority will **not** grant or renew a hackney carriage and/or private hire driver's licence to any applicant that fails to provide –

- (a) a suitable valid driving licence (i.e., photocard), and
- (b) a suitable D9(1) Certificate of registration (where appropriate), and
- (c) a suitable 'Check Code' that enables access to their driving licence records held by the DVLA.

5.188. With reference to any records obtained from the DVLA or by any driving licence validation check, the licensing authority will determine the relevance of any –

- (a) disqualifications, endorsements and penalty points etc and any other information it receives with reference to the policies and general guidelines set out at **appendix C**.

5.189. As it may affect public safety, insurance and other safeguards, the licensing authority considers the holding of a suitable driving licence and entitlements to drive a fundamental pre-requisite for hackney carriage and/or private hire driver licensing purposes. The licensing authority will therefore require, on condition of any licence granted, any licence holder to notify it, as soon as is reasonably practicable of any change to and/or endorsement of their driving licence and/or entitlements. This shall include notification of any administrative change(s),

disqualifications, penalty points and/or restrictions (whether arising in the UK or abroad).

5.190. As it may prevent it from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition.

5.191. Suitable & Sufficient Knowledge, Skills & Competence

5.192. As they work in a service industry, the licensing authority believes that paid / professional / licensed drivers require suitable and sufficient levels of knowledge, skill, and competence to discharge their role and responsibilities safely and effectively on behalf of themselves, their passengers and others. In particular, the licensing authority believes that driving knowledge, skills, and proficiency are central to and core competencies of all hackney carriage and/or private hire drivers. These, together with the way in which driver's approach and perform their work, can impact on both public safety and protection, comfort, and passenger experience; particularly for the vulnerable, those with disabilities and/or other conditions.

5.193. For these reasons together with those referenced below, the licensing authority will seek to ensure that licensed drivers possess the following knowledge, skills and/or competencies as appropriate: -

- (a) A good working knowledge of the Highway Code.
- (b) A good working knowledge of the local highway network and associated topography.
- (c) A reasonable unassisted competence in numeracy.
- (d) Good working knowledge of relevant licensing laws and conditions.
- (e) Knowledge and awareness of safeguarding issues.
- (f) English language proficiency
- (g) Good / safe driving standards and proficiency
- (h) Good safe wheelchair (un)loading and disability awareness

5.194. Highway code, numeracy skills, licensing laws and local topography (collectively known as 'the Knowledge' tests)

5.195. For the reasons outlined below, the licensing authority will maintain and require all first-time applicants to pass the following separate and distinct tests (test elements 1-4). Whilst discrete and separately marked, these tests are collectively and colloquially known as 'the Knowledge' tests.

5.196. Highway Code test (test element 1)

5.197. The licensing authority notes that the 'rules of the road' together with other information, advice and guidance for road users is set out in the Highway Code. As many of the rules in the Code are legal requirements, promote road safety and/or the consideration of other road users, the licensing authority believes it important that all hackney carriage and/or private hire drivers have a good working knowledge of the Code.

5.198. The highway code test comprises of 30 multiple choice questions and the pass mark is 26 which is consistent with the percentage pass mark of the theory test required to be passed by new applicants for a DVLA driving licence. Applicants will be given a maximum of 45 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

5.199. Navigation and local topography test (*test element 2*)

5.200. The licensing authority notes that –

- (a) taxi fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expedient route(s) to avoid unnecessarily high fares being charged to the customer.
- (b) licensed drivers providing services to the general public do not generally have the opportunity to check the details of a route before starting; whereas hackney carriages are usually directly available for hire at ranks or on the street, the drivers of private hire vehicles may receive concurrent bookings through their operator (e.g., via radio, computer, mobile communications device or similar); and
- (c) further to (a) and (b) above, road works, diversions, traffic jams, traffic accidents etc mean that it is not always appropriate to rely on satellite navigation equipment or similar; whereas such incidents can affect the reliability of service offered to the customer.

5.201. For these reasons, ease of, and expedient navigation, the licensing authority believes it is important that hackney carriage and private hire drivers providing a public service have a good working knowledge of the local highway network and associated topography of the area.

5.202. The topography test comprises of 30 multiple choice questions and the pass mark is 25. Applicants will be given a maximum of 45 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

5.203. Numeracy skills test (*test element 3*)

5.204. The licensing authority notes that hackney carriage and/or private hire driver duties may involve the handling and exchange of money and the giving of change. In the interests of consumer protection, the licensing authority therefore believes it important that all licensed drivers possess a reasonable unassisted competence in numeracy to a level commensurate with the practical, everyday context of the taxi or private hire vehicle as a workplace and associated situations.

5.205. As licensed drivers are required to consistently calculate change appropriately, the numeracy test comprises of 10 questions, and the pass mark is 10.

Applicants will be given a maximum of 20 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

5.206. Exemptions to numeracy test requirements

5.207. The licensing authority is of the view that the nature, level, and standard of some qualifications, may also serve as satisfactory evidence of numeracy proficiency to the standard sought. Applicants may therefore be exempt from the requirement to pass the numeracy skills test (test element 3) if they submit documentary evidence of any suitable qualifications instead.

5.208. For these purposes, suitable qualifications and evidence shall be taken to mean –

- (a) one or more of the qualification certificates (or certified statement of results thereof) detailed in Table 2 below; and
- (b) on the basis of which the licensing authority can be satisfied that the applicant's level of numeracy proficiency is sufficient to carry out the role of a licensed driver.

However, in recognition that those who left school or college a long time ago, may not be able to find their original qualification certificate(s), or may have otherwise lost their certificate(s), the licensing authority will also accept suitable replacements or a certified statement of results instead. For these purposes, the licensing authority will, where appropriate, only accept replacement(s) and/or a certified statement of results requested from the relevant exam board (also known as the awarding organisation). **NB:** Non-refundable third-party fees may be payable and identity checks may be required for these services.

NB: Certified statements of results are usually available from the relevant exam board (also known as the awarding organisation), subject to identity checks, and a third-party, non-refundable fee.

Table 2		
Origin	Qualification	Grade / Level / Comments
UK	Mathematics GCSE	Grades 1 to 9 or A* to G
UK	Mathematics O Level	grades A to E
UK	Mathematics CSE	grades 1 to 5
UK	AS or A Level in Mathematics, Accountancy or similar	
UK	NVQ / BTEC / City & Guilds certificate (Finance related)	Level 1 or above
UK	HNC / HND (Finance related)	
UK	Degree or higher (e.g. Masters, PhD etc) (Finance related)	
Non-UK	GCSE level equivalent or above in Mathematics	Subject to policies below

5.209. Licensing laws, policies, and conditions test (*test element 4*)

5.210. In support of its policies and objectives outlined throughout this document, the licensing authority considers it important that all licensed hackney carriage and/or private hire drivers have a good working knowledge of the relevant licensing laws and offences, together with the terms and conditions of any relevant licence applicable to their undertaking.

5.211. The licensing laws, policies and conditions test comprises of 30 multiple choice questions, and the pass mark is 25. Applicants will be given a maximum of 45 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

5.212. Availability and costs of the Knowledge tests

5.213. The licensing authority will manage and co-ordinate all knowledge test administration, maintenance and set up. For this reason, tests dates, times and associated facilities will be subject to availability.

5.214. By way of covering its costs, promoting test attendance and fair opportunity, all available tests will be offered on a first come first served basis and must be booked and paid for in advance at the point of booking. A non-refundable fee is payable at the standard rate for each knowledge test booking. Test fees will not be transferable nor otherwise be rolled over to any alternative test date(s). As a pre-application requirement, all test fees will be considered and treated as being entirely separate to any licence application fee(s).

5.215. Conduct of the Knowledge tests

5.216. To ensure expedience and to reduce costs to applicants, all outstanding knowledge tests will be taken collectively (i.e., at the same time). Applicants will only be permitted to (re)take an individual test element in isolation when all other individual test elements have been satisfactorily completed.

5.217. Invigilation

5.218. An invigilator (i.e., a Council employee) will be appointed to administer and monitor behaviour during all tests and ensure that tests are conducted in accordance with test rules and policy.

5.219. If, in the opinion of the invigilator, the test has not been conducted in accordance with the test rules and policy, all test results will be void.

5.220. If there any questions before or during the test, candidates may ask the invigilator. However, the invigilator will **not** explain subject-specific terms or expressions or otherwise say or do anything that could be interpreted as giving candidates any advantage.

5.221. Only tests and test results conducted in the presence the appointed invigilator will be accepted for licensing purposes.

5.222. Invigilators will establish the identity of all candidates sitting any test before it commences. Candidates who are not known to the invigilator must show suitable photographic documentary evidence (e.g., passport or photographic driving licence) to prove that they are the same person who registered for the test.

5.223. Candidates who arrive late

5.224. Whilst invigilators require a short period to identify candidates and facilitate test set-up, any candidate who arrives after the start of any test will not be permitted to enter or sit the test and will have to re-book at their own cost.

5.225. First language policy

5.226. In support of its policies, all tests will be provided in English only.

5.227. No translation or interpretation of questions/answers or other such matter associated with any test shall be permitted and/or accepted.

5.228. Equipment, materials and other items

5.229. Whilst taking a test, candidates must not use or have in their possession anything that may reasonably be considered to give them an advantage. This is inclusive of (but not limited to) the following equipment and/or materials; namely -

- (a) Mobile Phone
- (b) Calculator
- (c) Pager
- (d) Personal Laptop/PC/Tablet
- (e) Other communications equipment
- (f) Other (multi) media equipment
- (g) Paperwork/documentation
- (h) Any books, magazines or similar
- (i) Any other equipment/materials that may help with the test

5.230. Candidates in possession of any of the above items at the time of taking a test must ensure that these are put away in a bag or pocket, out of sight or handed to the invigilator for supervision before commencing any test. Use of any such equipment/materials will result in automatic disqualification and all results will be void.

5.231. Behaviour at tests

5.232. Once a test has commenced candidates must not talk, gesticulate, or otherwise engage in any action(s) (except to ask questions of the invigilator) that may

cause a distraction to other candidates taking the test or may reasonably be interpreted as malpractice or cheating.

5.233. Attendance by others

5.234. To avoid unnecessary distractions, opportunities for collaboration and/or cheating candidates will not be permitted to take anyone (other than the invigilator) to sit with them whilst taking any test(s). Contact and/or discussion with anyone else during the test will result in automatic disqualification and all results will be void.

5.235. In view of the above, candidates with babies and young children should ensure that infants and children are subject to suitable alternative supervision for the duration of any test(s). The Council does not provide crèche facilities.

5.236. Cheating / Attempts to influence test outcome

5.237. A serious view will be taken of any action(s) that may be interpreted as cheating during or in respect of any test. Hackney carriage and/or private hire drivers are expected to be persons of trust. Therefore, in all cases of proven or otherwise suspected cheating, all test results will be void. Suspected cheating and/or any attempt to influence the outcome of any test may also be taken into consideration in determination of the applicant's propriety and merit refusal of any associated licence application.

5.238. Safety & Welfare

5.239. If the fire alarm goes off during a test, candidates should evacuate the building with the invigilator. Candidates must remain with the invigilator until the disruption is over. Where appropriate, candidates may need to make an appointment to retake the test at a future point.

5.240. Should candidates need to leave the test room during the test (e.g., to use the toilet), you must ask the invigilator. The invigilator (or an arranged chaperone) may accompany the applicant to ensure that the test is conducted in accordance with test rules and policy.

5.241. If candidates feel unwell and/or too ill to continue the test, they should tell the invigilator. Where appropriate, candidates may need to make an appointment to retake the test at a future point.

5.242. Points of dispute

5.243. If candidates feel aggrieved by the results of a test or believe that the results of a test are incorrect, candidates should direct their concerns or enquires (in writing) to the Licensing Manager, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU or taxi.operators@rushmoor.gov.uk

5.244. Marking

5.245. Where appropriate, the answer format for each test question will be specified in the explanatory or introductory notes to each test category and/or at the end of each applicable test question. The licensing authority expects licensed drivers to be able to read and follow simple instructions. Failure to answer any Knowledge test question or to answer any such question using the specified format will be marked wrong or incorrect. This will apply regardless of whether the answer given in respect of any test question was in fact correct, but merely submitted in the incorrect format.

5.246. Alternative test arrangements

5.247. Having due regard to the elimination of discrimination, the licensing authority will make suitable adjustments for applicants and/or drivers with demonstrable learning disabilities e.g., dyslexia, such as allowing additional time to complete the test, reading out the questions.

5.248. Tests are generally completed online using an electronic device. Where an applicant cannot complete the test on an electronic device due to a disability, medical or other issue, the licensing authority will make paper copies of the test available.

5.249. Test sessions are held at a set time each week, where an applicant cannot attend at this time for reasons related to a protected characteristic, the licensing authority will make alternative arrangements.

5.250. Stringency of the knowledge tests

5.251. In ensuring that the knowledge tests do not comprise an unnecessarily high obstacle or barrier of entry into the trade, and that they are current the licensing authority will seek to keep the stringency and contents of its tests under review and ensure that each test reflects relevant law, policy, applicable codes of practice and/or the complexity or otherwise of local geography and highway infrastructure.

5.252. Limitations and relevance of Knowledge tests

5.253. The licensing authority will take the aptitude to pass each element of the Knowledge test as a general indication and measure of the applicant's suitability and propriety. The licensing authority will therefore, refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not satisfactorily complete (i.e. pass) any required test(s). In promoting its objectives and ensuring test rigour and currency of knowledge, this shall apply regardless of whether one or more Knowledge test elements were satisfactorily completed in any previous application(s) made.

5.254. As the Knowledge tests reflect local circumstances, subjects of significant importance or core competencies that are central to the role of a hackney carriage and/or private hire driver, with the exception of the arrangements for

applicants of a restricted private hire drivers licence detailed below, the licensing authority will not, take account of any prior learning or permit any exemption from any test element. This shall apply regardless of the duration, type, level or standard of any other training or qualification undertaken and/or when this was completed.

5.255. However, having conducted such tests for many years, it is the experience of the licensing authority, that satisfactory completion of the Knowledge tests is largely dependent on the aptitude, diligence, and effort of the applicant; and that these factors can vary markedly between individuals at different stages. The licensing authority will therefore, in striking a balance between the needs of its applicants, the need for test rigour and the promotion of its objectives, allow a limited number of Knowledge (re)tests to be taken as follows.

- (a) To allow applicants to reflect upon the test questions and / or to prepare more thoroughly, applicants who fail any elemental part of the Knowledge tests may, where appropriate, and subject to availability, re-sit another similar test after a minimum 7 days from the last test taken.
- (b) Each applicant will be permitted to take each test weekly over the approved 3-month application period.

5.256. Alternative test arrangements for restricted private hire drivers

5.257. It is the view of the licensing authority that some private hire drivers who provide limited, non-public driving services (e.g., executive chauffeur services, stretched limousine services, school contract runs etc) do not need a thorough working knowledge of the area in which they are licensed. These services will usually be exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the driver has the opportunity to research and plan the journey well in advance. These services / journeys are not usually subject to immediate concurrent bookings.

5.258. Traditionally work of this nature is contract / account work, whereby payment is dealt with by the private hire operator rather than the driver, therefore, private hire drivers carrying out work of this nature are not usually handling money or operating a taximeter.

5.259. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to exempt applicants who provide exclusively limited, non-public driving services from the need to pass the navigation and local topography test (test element 2) and the numeracy test (test element 3).

5.260. However, in recognition of the different tests undertaken by those who do / do not undertake general public work, any licence granted on the basis of the alternative test will be known and marked as a 'restricted' private hire driver licence and be subject to conditions restricting the driver to the particular activity/service concerned, and not allowing the handling of money. Consequently, any requested upgrade of a 'restricted' private hire driver's

licence to a standard private hire driver's licence and/or to include a hackney carriage driver's licence will require the applicant to pass the additional elements of the standard Knowledge test not previously passed in full (at the applicant's own expense) before the upgrade can be made.

5.261. Safeguarding awareness

5.262. Section 11 of the Children Act 2004 requires all local authorities to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Section 177 of the Policing & Crime Act 2017 (P&CA17) further provides for guidance on how licensing authorities should exercise their licensing functions so as to protect children and other vulnerable individuals from harm. Guidance from the DfT also recommends safeguarding training for licensed drivers.

5.263. Further to this, the licensing authority notes that licensed drivers, by virtue of the job they do, routinely come into contact with a wide variety of people in a range of situations and circumstances. Consequently, the licensing authority believes that –

(a) hackney carriage and/or private hire drivers are uniquely placed in the community to help protect children, and other vulnerable individuals, from harm or risk; and that

(b) all licensed drivers should possess a reasonable knowledge and awareness of safeguarding issues to a level commensurate with the practical, everyday context of the taxi as a workplace and associated situations.

5.264. For these collective reasons, the licensing authority will require all first-time applicants and all licensed drivers on renewal of their licence every 3 years, to submit a suitable certificate of attendance of a safeguarding awareness course specifically designed for hackney carriage and/or private hire vehicle drivers. For this purpose, the licensing authority will accept the Blue Lamp Trust (BLT) Taxi Safeguarding Classroom course, or RBC's Taxi Safeguarding course (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

5.265. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission, or on renewal of the expiry date of their existing licence.

5.266. Limitations and relevance of safeguarding awareness training

5.267. As safeguarding is a key objective, the licensing authority will, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

(a) does not submit a suitable attendance certificate for any requisite safeguarding awareness course; and/or

(b) fails to maintain good safeguarding standards and practices.

5.268. English language proficiency tests (reading, writing, speaking & listening skills)

- 5.269. The licensing authority believes that the general role of a hackney carriage and/or private hire driver involves the ability to effectively communicate with, understand and cater to customer needs and issues. For example, drivers may need to discuss a route or fare, take and give directions and/or instructions and, on occasion, resolve disputes with passengers. Drivers may also need to communicate with passengers on safety issues (e.g., on use of a seat belt), in an emergency (e.g., following an accident) or other challenging situations (e.g., disputes and complaints).
- 5.270. Whilst driving duties may also involve the reading of road signs, street names and other signage, it is also important that drivers can read and understand any information provided to them, such as the terms and conditions of any hackney carriage and/or private hire driver's licence, or any notices given to them by Licensing Officers. Drivers may also need to write to us, for example to let us know about changes in their health or background circumstances or perhaps communicate in writing with a passenger who has a hearing impairment or complaint.
- 5.271. In view of these matters, and that English is the official language of England, the licensing authority considers it essential that all licensed drivers have adequate English language skills and proficiency in reading, writing, speaking **and** listening, whereas, all of these skills are considered essential for their role.
- 5.272. For these reasons, the licensing authority will, require all applicants for first-time grant of a hackney carriage and/or private hire drivers' licence to submit a suitable certificate from a suitable approved service provider that confirms their level of English language proficiency (in reading, writing, speaking **and** listening) is at level B1 or above on the Common European Framework of Reference for Languages and Learning (CEFR).
- 5.273. In ensuring test integrity and ease of validation, suitable approved service providers will be limited to those accepted by the UK Visas and Immigration (UKVI) division of the Home Office (or equivalent) as proof of English proficiency for those wishing to live, work and study in the UK. Third party, non-refundable fees may apply for their services.

5.274. Exemptions to English language proficiency test requirements

- 5.275. The licensing authority is of the view that the nature, level, and standard of some qualifications, if taught and assessed in English (whether or not the qualification was obtained in the United Kingdom) may also serve as satisfactory evidence of English language proficiency to the standard sought. Applicants may therefore be exempt from the requirement to provide a

certificate from a suitable approved service provider if they submit documentary evidence of any suitable qualifications instead.

5.276. For these purposes, suitable qualifications and evidence shall be taken to mean –

- (a) one or more of the qualification certificates (or certified statement of results thereof) detailed in Table 3 below; and
- (b) on the basis of which the licensing authority can be satisfied that the applicant's level of English language proficiency (in reading, writing, speaking **and** listening) is equivalent to CEFR level B1 or above.

5.214. However, in recognition that those who left school or college a long time ago, may not be able to find their original qualification certificate(s), or may have otherwise lost their certificate(s), the licensing authority will also accept suitable replacements or a certified statement of results instead. For these purposes, the licensing authority will, where appropriate, only accept replacement(s) and/or a certified statement of results requested from the relevant exam board (also known as the awarding organisation). **NB:** Non-refundable third-party fees may be payable and identity checks may be required for these services.

NB: Certified statements of results are usually available from the relevant exam board (also known as the awarding organisation), subject to identity checks, and a third-party, non-refundable fee.

Table 3		
Origin	Qualification	Grade / Level / Comments
UK	GCSE	Grades 1 to 9 or A* to G
UK	O Level	grades A to E
UK	CSE	grades 1 to 5
UK	AS or A Level	
UK	NVQ / BTEC / City & Guilds certificate	Level 1 or above
UK	HNC / HND	
UK	Degree or higher (e.g. Masters, PhD etc)	
Non-UK	GCSE level equivalent or above	Subject to policies below
	Secure English Language Tests (SELT) certificates	Subject to policies below
	English for speakers of other languages (ESOL) qualifications	Subject to policies below
	English as a Foreign Language (EFL) qualifications	Subject to policies below

NB: For these purposes, the subject of the qualification does not matter as long as it was taught in English

5.215 A non-UK qualification which was taught and examined in English

5.216 The licensing authority will similarly accept the standard of English language proficiency of those who were educated and tested in English outside the UK to the equivalent of GCSE level or above. However, so as to be satisfied that any such qualifications are suitable, the licensing authority will require applicants to provide satisfactory evidence that the qualification was taught and examined in English. For these purposes a letter on headed paper from the teaching and/or examining institution(s) will be sufficient.

5.217 Where appropriate, a suitably translated copy of each document (if any original is not in English), certified as a true and accurate translation of the original by a suitable independent and UK-based translation company, solicitor or the relevant body concerned may also be required.

5.218 Secure English Language Test (SELT) for immigration / visa purposes

5.219 Further to the above, the licensing authority notes that Secure English Language Tests (SELT) are required by the Home Office for many people wishing to settle in the UK and that these are of a suitably equivalent standard to that sought. The licensing authority will therefore accept SELT certificates as suitable evidence of English language proficiency, providing they cover proficiency in all four skill areas (reading, writing, speaking, and listening).

5.220 A qualification in English as a second language (ESOL) or as a foreign language (EFL)

5.221 The licensing authority notes that English for speakers of other languages (ESOL) qualifications and English as a Foreign Language (EFL) qualifications are also designed to assess the English language skills of those who do not have English as a first language. It also notes that different ESOL and EFL qualifications can assess different skill areas (reading, writing, speaking, and listening) at different levels. The licensing authority will therefore accept ESOL or EFL qualifications as suitable evidence of English language proficiency, providing these cover B1 proficiency in all four skill areas (reading, writing, speaking, and listening). Examples of acceptable ESOL and EFL qualifications include -

- (a) ESOL Skills for Life (Entry Level 3, Level 1, Level 2)
- (b) Functional Skills qualifications in English (Entry Level 3, Level 1, Level 2)
- (c) International English Language Testing System (IELTS): Cambridge English Language Assessment
- (d) Cambridge English: First (FCE)
- (e) Trinity College: Integrated Skills in English (ISE 1)

5.277. The relevance of English language proficiency

5.278. The licensing authority believes that poor English language proficiency may impact on customer care, safety and/or the ability to effectively perform the role and duties of a hackney carriage and/or private hire driver. The licensing

authority will, therefore, refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not satisfactorily submit a qualifying certificate to the required standards.

- 5.279. The licensing authority recognises that English language proficiency may diminish over time (a process known as 'attrition'). It therefore reserves the right to require additional driver training and/or certification to the required standards stated where it considers it appropriate in the circumstances.

5.280. Driving Standards & Proficiency Assessment

- 5.281. The licensing authority believes that driving standards and proficiency are central to and core competencies of all hackney carriage and/or private hire drivers. The licensing authority also notes that driving abilities, practices and skills can vary over time, by driving style and experience; through differences in driving environments and social and/or cultural norms (e.g., driving on the left / right) etc. For these reasons, it is the policy of the licensing authority to ensure that those who provide a hackney carriage and/or private hire driving service can demonstrate a suitable level of driving competence and proficiency commensurate with the provision of a public transportation service i.e., at an elevated level above the DVLA learner driver test.

- 5.282. For these reasons, the licensing authority will require all first-time applicants to submit a suitable (i.e., pass) certificate of completion of a driving standards and proficiency assessment specifically designed for hackney carriage and/or private hire vehicle drivers by the Blue Lamp Trust (BLT) or Green Penn Ltd. (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

- 5.283. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission. Moreover, as assessments are at an elevated level and specifically designed for prospective hackney carriage and/or private hire vehicle drivers, this requirement shall apply regardless of the date on which the applicant may have taken any other test to gain a full (or any other) driving licence or award.

- 5.284. However, regardless of the above, the licensing authority recognises driving standards may change and/or bad habits in driving practice can develop over time. It may therefore require and, where appropriate, condition the satisfactory completion and submission of a driving standards assessment and/or other associated information at any time or at such frequencies and/or to such standards considered appropriate in the circumstances.

5.285. Relevance of driving standards assessments

- 5.286. The licensing authority considers good driving standards and proficiency to be a core competence of a hackney carriage and/or private hire vehicle driver. It further notes that poor driving standards and/or practices can affect the safety and comfort of those using licensed vehicles and others who may be exposed

thereto (e.g., other road users etc). The licensing authority will therefore, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

- a) does not submit a suitable pass certificate for any requisite assessment; and/or
- b) fails to maintain good driving standards and practices.

5.287. Wheelchair loading assessment for taxis and private hire vehicles

5.288. The licensing authority notes that some wheelchair users may require driver assistance to safely enter, travel in and alight from a licensed vehicle and acknowledges the mobility assistance provisions in the Equality Act 2010 / Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. Accordingly, it is the policy of the licensing authority to ensure that those who provide a wheelchair accessible driving service can demonstrate a sufficient level of competence in the (un)loading, security, and safety of wheelchair users to a level commensurate with this role.

5.289. For these reasons, the licensing authority will require all first-time applicants for a hackney carriage drivers' licence, and any private hire driver intending to drive a wheelchair accessible vehicle, to submit a suitable certificate of completion of a wheelchair (un)loading assessment specifically designed for hackney carriage and/or private hire vehicle drivers by the Blue Lamp Trust (BLT) or Green Penny Ltd (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

5.290. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission.

5.291. However, regardless of the above, the licensing authority recognises that standards and practices may change and/or bad habits in (un)loading, security and safety practice can develop over time. It may therefore require and, where appropriate, condition the satisfactory completion and submission of an enhanced wheelchair (un)loading assessment and/or other associated information at any time or at such frequencies and/or to such standards considered appropriate in the circumstances.

5.292. Limitations and relevance of wheelchair loading assessments

5.293. As the safety of passengers, drivers and other road users is a key objective, the licensing authority will, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

- (c) does not submit a suitable pass certificate for any requisite assessment; and/or

- (d) fails to maintain good wheelchair user (un)loading, security and safety standards and practices.

5.294. Disability awareness training

5.295. The licensing authority notes that in their role licensed drivers will come across people with various disabilities and acknowledges the mobility assistance provisions in the Equality Act 2010 / Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. Accordingly, it is the policy of the licensing authority to require all first-time applicants and all licensed drivers on renewal of their licence every 3 years to submit a suitable certificate of attendance of a disability awareness course specifically designed for hackney carriage and/or private hire vehicle drivers. For this purpose, the licensing authority will accept the Blue Lamp Trust (BLT) Disability Awareness Classroom course, (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

5.296. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission, or on renewal of the expiry date of their existing licence.

5.297. However, regardless of the above, the licensing authority recognises that standards and practices may change and/or bad habits can develop over time. It may therefore require and, where appropriate, condition the satisfactory completion and submission of further disability awareness training and/or other associated information at any time or at such frequencies and/or to such standards considered appropriate in the circumstances.

5.298. Limitations and relevance of disability awareness training

5.299. As the safety of passengers, drivers and other road users and a transport service that is accessible to all are key objectives the licensing authority will, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

- (e) does not submit a suitable pass certificate for any requisite assessment; and/or
- (f) fails to maintain good wheelchair user (un)loading, security and safety standards and practices.

5.300. Other 'relevant knowledge and skills'

5.301. In determination of an applicant's fitness and/or propriety, the licensing authority will also take account of any other factor that may be relevant to the conduct of a licensed hackney carriage and/or private hire vehicle driver and anything the applicant may say about themselves or their application.

5.302. Where appropriate, the licensing authority may therefore require additional driver training, assessment and/or certification as it may consider appropriate in the circumstances. This may for example include, but not be limited to requirements for appropriate training and/or certification in Customer care, handling emergencies, day to day vehicle maintenance, managing conflict / difficult situations (or similar). Such examples should not be seen as a comprehensive or exhaustive checklist, or in any way be regarded as matters to be addressed in all cases.

5.303. For these purposes, the licensing authority may consider assessments, courses and/or qualifications necessary where there are one or more demonstrable indications of poor standards, practices, customer service or other similar concerns connected to the role of a hackney carriage and/or private hire driver. For example -

- (a) where there are multiple driving licence endorsements, disqualifications etc.
- (b) where there are previous complaints about driving standards, practices or service etc.
- (c) where the individual has been involved in one or more vehicle accidents etc.

NB: Where appropriate, the costs of any such requirements must be paid for by the applicant.

5.304. While such qualifications etc. are not necessarily a mandatory requirement to apply for a hackney carriage and/or private hire drivers' licence, the licensing authority recognises the increasing needs and profile of its residents, visitors and the area generally through development and events. It will therefore keep these matters under review and may require specific training or assessments to be undertaken in the future.

5.305. Public Liability Insurance

5.306. The licensing authority recognises that hackney carriage and/or private hire drivers often perform duties other than driving passengers from A to B as part of their daily business e.g., carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair users) etc. For this reason, and by way of protecting the interests of both drivers and members of the public, the licensing authority will require all applicants to provide and, on condition, maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g., customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

5.307. For this purpose, the licensing authority will take a suitable policy of insurance to mean valid public liability insurance that –

- (a) covers up to £5 Million for each claim in respect of any damage, loss or injury arising from the activities of the driver; **and**
- (b) indemnifies the driver while performing his taxi driver duties both in and outside (i.e., away/remote from) the vehicle (e.g., carriage of luggage and/or provision of assistance to a customer's home etc).

5.308. However, the licensing authority recognises that some hackney carriage and/or private hire operators may maintain group / company public liability insurance that suitably indemnifies all licensed drivers working in their company name. Accordingly, in maintaining reasonable licensing requirements, the licensing authority will accept individuals as being suitably covered by group / company public liability insurance where -

- (a) A suitable copy of the group / company policy of public liability has previously been lodged with the Council by the relevant group / company concerned; and
- (b) The individual is suitably confirmed by an official of the group / company concerned as falling under the cover of the group / company public liability insurance regime.

5.309. To ensure that suitable public liability insurance is maintained for the term and duration of any licence issued, the licensing authority will require licence holders to submit relevant public liability insurance documents on any amendment to or renewal of their policy.

5.310. The relevance of public liability insurance

5.311. As it considers it an important driver and public protection safeguard, the licensing authority will refuse any application (whether on grant or renewal) and suspend or revoke the relevant licence(s) of any individual who does not submit and/or fails to maintain a suitable certificate of public liability insurance cover (or suitable evidence thereof).

5.312. As it considers it an important public protection safeguard, the licensing authority will take a serious view of any licensed driver that fails to maintain a suitable policy of public liability insurance and/or otherwise fails to notify it of a change in circumstances or cover (e.g., a change in operator).

5.313. Driver Photographs

5.314. S54(1) of the Local Government (Miscellaneous Provisions) Act 1976, requires the licensing authority to issue a driver's badge (where appropriate) that clearly shows, amongst other matters, the applicant's appearance at the time of application.

5.315. For this purpose, the licensing authority will require applicants (both on initial grant and each renewal) to –

- (a) allow the licensing authority to take (and freely reproduce for the purposes of administration and supervision of the drivers' licence) a suitable digital colour photograph of the applicant; or
- (b) submit, at their own expense, a suitable electronic colour photograph of themselves.

5.316. So that the applicant's features are clearly distinguishable, a suitable photograph will be taken to mean one taken against a suitable plain background showing the applicant full faced i.e., uncovered (without sunglasses, veil or similar) and without a head covering.

5.317. Operator Confirmation

5.318. The Local Government (Miscellaneous Provisions) Act 1976 requires all bookings for a private hire driver and vehicle to be made with a licensed private hire operator. Furthermore, the operator, driver and vehicle must be licensed with the same licensing authority. To ensure that arrangements are in place to comply with this, the licensing authority will not grant a private hire drivers' licence (whether on first-time application or renewal) until such time as the applicant has advised which licensed private hire operator, they will be receiving bookings from, and the operator has confirmed that this is the case. Failure to provide this will result in the licence being refused.

5.319. As some operators provide public liability insurance for their drivers, and to ensure ongoing compliance with the above and the licensing authorities ability to update the correct operator in some circumstances e.g., where a driver is suspended, licensed private hire drivers will be required on condition to notify the licensing authority of any change to the operator they are receiving bookings from.

5.320. As it considers it an important public protection safeguard, the licensing authority will take a serious view of any licensed driver that fails to notify it of a change in operator.

5.321. HMRC tax check

5.322. It is a legal requirement that any applicant for a hackney carriage and/or private hire drivers licence (whether on first-time grant or renewal), who has held the same type of licence at any time in the preceding 12 months, with any licensing authority, carries out a tax check. Information on how to do this is available at [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

5.323. Completion of the check will generate a 9-digit code which the applicant must provide to the licensing authority, which enables them to confirm the check. In accordance with the legislation, the licensing authority will not grant a licence without having received the code and confirmed the tax check, unless the applicant has tried to carry out the tax check for 5 consecutive days, has been unable to do so because the service is unavailable, and the licensing authority can confirm that the service was unavailable.

5.324. CONDITIONS OF DRIVER'S LICENCE

5.325. Private hire vehicle drivers

5.326. Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a private hire driver's licence as may be considered reasonably necessary.

5.327. Hackney carriage drivers

5.328. By law, the licensing authority is not permitted to attach conditions to a hackney carriage driver's licence but may formally regulate standards etc through the adoption of local byelaws instead. While there are no local taxi-related byelaws in place at the present time, the licensing authority will keep this matter under review and may, in the future, seek to implement suitable byelaws where problems arise. In the meantime, the licensing authority will attach appropriate conditions by way of advising drivers of the standards expected of them.

5.329. Standards of Conduct and Dress

5.330. Regardless of any conditions or byelaws and, in providing a customer-based public transportation service, the licensing authority considers it appropriate that both hackney carriage and/or private hire drivers should –

- (a) behave professionally, responsibly and courteously to customers, other road users and the public in general at all times (i.e., good conduct); and
- (b) help promote safety, the professional image of the hackney carriage and/or private hire trades and the image of its borough in general.

5.331. Without prejudice to the generality of the above, the licensing authority will take a serious view of any driver that engages in any activity or makes any advance or comment(s) that may reasonably be construed to be an attempt to procure any special relationship, sexual or otherwise, with any customer, or that may reasonably be construed to be threatening or aggressive.

5.332. By way of encouraging both the profile and professional image of the licensed trades and that of the borough in general, the licensing authority considers it appropriate that licensed drivers conform to an acceptable standard of dress. For this purpose, the licensing authority will consider the suitability of dress in terms of cleanliness, image, decency (i.e., inoffensive) and public and/or driver safety.

5.333. Relevance of conditions, standards of conduct and dress

5.334. Failure to comply with any conditions or any aspect of good conduct or dress, will not necessarily result in enforcement action, but may, where appropriate, be used as an indicator of propriety. Where appropriate, breach of conditions

or standards may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

5.335. Consumer protection

5.336. In recognition of customer interests and consumer protection, the licensing authority will require, on condition, any licensed driver to issue a customer with a suitable receipt for any payment for any taxi or private hire journey or associated service on request.

5.337. For safety and security reasons and convenience a number of members of the public choose not to carry cash. In light of this, and to ensure an expected level of service is provided to the customer, the licensing authority will require, on condition, any licensed driver to have a mechanism for customers to pay by debit and/or credit card, whether this is directly with the driver or through their operator.

5.338. DRIVERS INVOLVED IN AN ACCIDENT OR OTHER INCIDENT

5.339. Drivers involved in an accident/incident must advise the licensing authority as soon as possible, but no later than 72 hours after the accident / incident occurs.

5.340. In recognition that incidents and vehicle accidents can occur for a variety of reasons and can result in a variety of injuries, it is the policy of the licensing authority to ensure, where appropriate, that the drivers involved in an incident are suitably assessed in respect of their fitness, driving standards and/or eligibility.

5.341. Where appropriate, the licensing authority will assess any driver involved in an incident in accordance with any of the general requirements and policies detailed above. This may include, requiring drivers to submit additional checks / documents e.g., medical reports etc.

5.342. Where appropriate, to fully investigate and/or verify the circumstances of any accident, the licensing authority may require and/or request –

- (a) Copies of all relevant statements / claims to insurance companies.
- (b) The police incident number.
- (c) Details of the hours that the driver has worked prior to the accident.

5.343. Where appropriate, the licensing authority has powers to suspend and/or revoke a driver's licence, or otherwise allow the individual to continue in the capacity of a licensed hackney carriage and/or private hire driver (whether or not pending any specified requirements etc). In determination of any action to be taken following an incident, the licensing authority will have regard to -

- (a) The nature and seriousness of the incident.

- (b) The circumstances giving rise to any incident etc.
- (c) The continuing fitness and/or eligibility of the driver to drive.
- (d) The nature and extent of any penalty/sentence imposed.
- (e) The nature, degree and/or frequency of any other accidents or incidents in which the driver has been involved.
- (f) The nature and extent of any real, potential and/or perceived harm caused by the incident.
- (g) The nature and extent of any risk/threat that the driver may pose to the public.
- (h) The honesty of the individual/driver (i.e., in declaring any incident and/or its details etc).
- (i) Any other aggravating or mitigating factors (e.g., under the influence of drink/drugs/medication etc).

NB: The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine the most appropriate action/outcome.

5.344. Working / driving hours

5.345. The licensing authority notes that licensed hackney carriage and/or private hire drivers can generally choose the hours they work. In recognition that long hours may give rise to driver fatigue (i.e., public safety), the licensing authority will take a serious view where public safety may be / have been put at risk through driver fatigue and/or the working of excessive hours.

5.346. Use of mobile phones and other devices

5.347. The licensing authority notes that the risks of using mobile phones and similar devices while driving are well documented. In recognition of the public safety risks and the technological alternatives, the licensing authority will take a serious view where public safety may be / have been put at risk through use of handheld mobile phones or similar while driving.

5.348. Safety and overcrowding of vehicles

5.349. In recognition of the public safety risks that can arise due to overcrowding, the licensing authority will take a serious view where public safety may be / have been put at risk through the carriage of more passengers than that permitted and/or inappropriate quantities of luggage and other materials.

5.350. For this reason, licensed drivers will be required on condition to ensure that all luggage and loose articles are appropriately stored and secured to ensure driver and passenger safety.

5.351. Smoking in licensed vehicles

5.352. All taxis and private hire vehicles are, under the Health Act 2006 and associated Regulations, classified as smoke free premises and must remain smoke-free at all times. This means that taxi and private hire vehicle proprietors and their drivers must not smoke tobacco in a licensed vehicle at **any** time and must take reasonable steps to prevent and stop any other person from smoking in their vehicle. This applies even when the vehicle is not hired and/or is otherwise not for hire.

5.353. As smoke free premises are a widely publicised and known public health protection measure, the licensing authority will take a serious view of any proprietor and/or driver of a licensed vehicle found smoking or allowing others to smoke in their vehicle at any time. Accordingly, whilst failure to comply with this legal requirement will normally result in issue of a fixed penalty notice, repeat offending may, as an indicator of their suitability, result in the suspension, revocation and/or refusal to renew any relevant licence held.

PART F

6. VEHICLE LICENSING

6.1. GENERAL

6.2. The following policies will be applied to standard motorised vehicles (e.g., purpose built black cabs, MPVs, saloon cars etc). Separate policies and requirements may apply to non-standard vehicles (such as stretched limousines, novelty vehicles, tuck tucks) and/or other non-motorised transportation (e.g., pedicabs, horse and carriage etc), and will be determined on a case-by-case basis dependent on the nature of the vehicle.

6.3. Vehicle licensing requirements

6.4. Separate vehicle licences must be held for each vehicle to be used as a hackney carriage or private hire vehicle. Licences are not transferable between vehicles.

6.5. GENERAL POLICY APPROACH TO VEHICLES

6.6. Private hire vehicles

6.7. The licensing authority believes that private hire pre-booked work is open to a greater degree of market competition than taxi hailing and ranking where, by its very nature, competitive market forces are more constrained. Indeed, while private hire competition and service can be facilitated based on offering a better price, it may also be facilitated in respect of vehicle features which consumers would be willing to pay for if given sufficient choice. These might include for example better / particular safety features, specialist accessibility requirements, or quality-based considerations such as the comfort of the vehicle, its appearance and/or available facilities. Accordingly, as diversity in price, innovation, service, and standards is a natural consequence of effective market competition, the licensing authority believes that consumer choice of private hire vehicle services should not be unduly restricted by virtue of the type or age of vehicles.

6.8. However, for ease of access / egress for passengers, if a vehicle has rear passenger seats, the licensing authority will only licence the vehicle where it has a minimum of 4 doors.

6.9. In order for members of the public to readily distinguish between hackney carriage and private hire vehicles, the licensing authority will not issue a private hire vehicle licence for a purpose-built London style cab or similar, or any vehicle with design or markings which could cause it to be easily confused for a hackney carriage.

6.10. Hackney carriage vehicles

6.11. By contrast to private hire pre-booked work, the licensing authority believes that the on-street hail and ranking market is more competitively constrained. By its nature, together with the social customs and practices of hire and the statutory fixing of fares, once a hackney carriage has been hailed or approached the driver is in the position of a temporary monopolist and there is limited competitive pressure in relation to price, safety, or quality. As such, the licensing authority believes it appropriate to establish more defined baseline standards for hackney carriage vehicles. The licensing authority will therefore only licence wheelchair accessible purpose-built taxis (that can carry a passenger travelling in a reference wheelchair (as defined by Schedule 1 of The Public Service Vehicle Accessibility Regulations 2000)) or converted vehicles pre-approved by the licensing authority, which meet the following specification as a hackney carriage.

6.12. Hackney carriage vehicle specification

- 6.13. Passenger door windows must be capable of being opened easily by passengers when seated.
- 6.14. The top of the tread of the lowest step / running board for any entrance (or where there is no step, the floor level itself at the entrance) must not be more than 38cm above the ground when the vehicle is unladen.
- 6.15. Apertures in the floor used for the purposes of a step must be highlighted in a high-visibility material to alert passengers to their presence.
- 6.16. The risers of all steps must be closed.
- 6.17. All steps, or where there are no steps, the outer edge of the floor at each entrance, must be fitted with non-slip treads which must be highly visible at all times.
- 6.18. Adequate lighting must be provided for the passengers' compartment and must be capable of being controlled by passengers.
- 6.19. The flooring of the passengers' compartment must be covered with non-slip material which can be cleaned easily.
- 6.20. Provision must be made for carrying luggage / wheelchairs appropriate to the number and type of passengers and an efficient method of securing it must be provided.
- 6.21. Suitable wheelchair restraints and seatbelts must be provided for the use of wheelchair occupants.

- 6.22. Anchorages must be provided for the wheelchair and chairbound disabled person to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.
- 6.23. A ramp(s) for the (un)loading of wheelchair passengers must be available at all times for the safe access and egress of passengers. Adequate locating device(s) must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be of sufficient strength and stability such that they will not bend and will remain stable during use and must be of a safe working limit of at least 300 kg over its entire length. The ramp(s) must be capable of being stowed away securely and safely when not in use.
- 6.24. Hand contact points, handles and head contact hazards must be identified in high visibility materials and easily distinguishable.
- 6.25. Suitable means must be provided to assist persons to rise from the rear seat.
- 6.26. The steering wheel must be on the off-side of the vehicle.
- 6.27. The body must be of the fixed head type.
- 6.28. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 750 mm when the door is opened to its normal limit.
- 6.29. The clear height of the doorway must not be less than 1.195m
- 6.30. Where seats are placed facing each other there must be a clear space of 48cm between any part of the front of a seat and any part of any other seat which faces it. This measurement may be reduced to 43.5cm provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat cushion.
- 6.31. Rear facing seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4cm apart. When not in use front seats must not obstruct doorways.
- 6.32. The controls must be properly protected from contact with luggage.
- 6.33. The driver's seat must be designed to accommodate the driver only.
- 6.34. An adequate heating and ventilation system must be fitted and maintained in good working order for the driver and passengers and means provided for independent control by the driver and passengers.
- 6.35. An approved type of automatic door locking device must be fitted to passenger doors.

- 6.36. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.
- 6.37. A rooflight stating the words “taxi” or “for hire”. The design must be such that the illuminating light can be switched off when the vehicle is hired or out of the Rushmoor area, independently of the taxi meter or any other system.

6.38. Hackney carriage vehicle approvals process

- 6.39. To ensure that vehicles comply with the licensing authority’s vehicle specification, before licensing a specific make / model / conversion as a hackney carriage for the first time the licensing authority will arrange and carry out a vehicle approval inspection, which will include –
- (a) Officer inspection of the vehicle against the licensing authority’s vehicle specification.
 - (b) Inspection of the vehicle by a wheelchair user including them being secured in the vehicle in their wheelchair.
 - (c) The opportunity for members of the taxi trade to inspect the vehicle and provide feedback to the licensing authority.
- 6.40. Feedback from all of the above inspections, along with information provided by the vehicle manufacturer, convertor or seller will be reported, and in accordance with the scheme of delegation the licensing authority will determine whether the vehicle type is approved for licensing as a hackney carriage vehicle.
- 6.41. The licensing authority will maintain a list of all approved vehicles for hackney carriage licensing, along with details of any specific requirements for that vehicle on its website www.rushmoor.gov.uk

6.42. THE TERM & DURATION OF VEHICLE LICENCES

- 6.43. The licensing authority will, where appropriate, grant a hackney carriage or private hire vehicle licence for a period of either 6 or 12 months. However, the licensing authority may, using its discretion, grant vehicle licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.
- 6.44. By way of example, the licensing authority may limit the term or duration of a vehicle licence -
- (a) in accordance with any service / maintenance requirements, failures or problems.
 - (b) in accordance with any vehicle recalls (whether due to problems affecting the entire vehicle or any part).

- (c) on consideration of any MOT and/or MOT advisory specifications.
- (d) on consideration of the nature and condition of the vehicle (i.e., whether a specialist vehicle e.g., a stretched limousine).
- (e) Where the vehicle is a temporary replacement vehicle (i.e., where a licensed vehicle is being repaired following a malfunction or accident).

6.45. ELIGIBILITY CRITERIA

6.46. Age of Vehicles

- 6.47. The licensing authority believes that any vehicle, regardless of its age, may be maintained in a good, safe, roadworthy condition and therefore, the setting of an age limit beyond which it will not licence any vehicle is arbitrary and disproportionate.
- 6.48. In view of the above, and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will disregard the age (as an isolated consideration) of any vehicle in determining whether to grant and/or renew a hackney carriage or private hire vehicle licence.

6.49. General vehicle requirements

- 6.50. By virtue of S37 of the Town Police Clauses Act 1847 and S48 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority has absolute discretion as to whether to grant a hackney carriage or private hire vehicle licence.
- 6.51. The licensing authority will, where appropriate, seek to ensure that all licensed vehicles (including their fixtures, fittings, and equipment) are suitable for use as a hackney carriage or private hire vehicle on demonstration that they are, and continue to be -
 - (a) readily identifiable (together with their owner and/or vehicle proprietor).
 - (b) suitable in standard, type, design, and appearance (and not unsuitably modified at any time).
 - (c) suitable in environmental performance and efficiency.
 - (d) in a good, safe, roadworthy condition (regardless of age) (and not subject to any outstanding vehicle safety recall or previous category A or B insurance 'write off').
 - (e) suitably maintained.
 - (f) suitably insured.

- (g) suitably accessible; and
- (h) sufficient in number as to reasonably serve the interests of the travelling public.

6.52. Vehicle type

6.53. To facilitate registration, sale and entry into service, vehicles marketed and sold in the UK must, by law, generally be subject to vehicle type approval. Vehicle type approval effectively certifies that each vehicle meets a minimum set of regulatory, technical and safety requirements, and meets specified performance standards for its type. As this is a legal requirement, and vehicles cannot be registered by the DVLA in the UK without this the licensing authority will not check the type approval, but will not a licence a vehicle that is not registered by the DVLA in the UK. For this purpose, the licensing authority will require a copy of the V5C vehicle registration certificate on application.

6.54. Other general requirements

6.55. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

6.56. For vehicle licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide, implement and/or maintain the following requirements:

- (a) a suitable MOT certificate
- (b) a suitable policy of vehicle insurance
- (c) a suitable DVLA Vehicle registration document V5C
- (d) suitable vehicle safety recall documentation
- (e) suitable vehicle history checks.
- (f) suitable service and maintenance history documents
- (g) a suitable LOLER certificate
- (h) suitable vehicle photographs
- (i) a basic DBS check certificate
- (j) suitable certificate(s) of good conduct (or suitable equivalent documents)

6.57. While the policies, standards and considerations applicable to the above matters are set out below, these should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.

6.58. General vehicle proprietor requirements

6.59. The licensing authority recognises that hackney carriages and/or private hire vehicles are ubiquitous, are found and seen everywhere throughout the country at all times of day and night, in any location. As a result, the presence of such vehicles generally goes unnoticed and/or does not elicit any interest or curiosity; particularly when contrasted against the unexpected presence of a van in the early hours of the morning. As a consequence of this, the licensing authority recognises that such vehicles can provide the ideal transportation system for different forms of contraband and/or illicit activities, including but not limited to, drugs, guns, illicit alcohol or tobacco, prostitutes, vulnerable adults and/or children who may be at risk of, or are being, abused. The licensing authority notes that the use of a licensed vehicle is, in part, a function of the control and responsibility of the vehicle proprietor.

6.60. As the law allows it absolute discretion as to whether to grant a hackney carriage or private hire vehicle licence, the licensing authority will seek to ensure that vehicle proprietors are safe and suitable to have such control and responsibility for a licensed vehicle.

6.61. Disclosure & Barring Service (DBS) Disclosures

6.62. The licensing authority recognises the Disclosure and Barring Service (DBS) as the legitimate body to provide access to criminal record information through its disclosure service for England and Wales.

6.63. The frequency of DBS disclosure checks

6.64. Subject to any exemptions, the licensing authority will require applicants, and anyone named as a person with a financial interest on any application for a hackney carriage and/or private hire vehicle licence to submit a new and suitable disclosure from the DBS on application (whether for renewal or first-time grant). **NB:** Third party non-refundable fees may be payable for DBS services.

6.65. However, given that an individual's criminal and similar background status can change at any point, the licensing authority may require a DBS disclosure and/or associated status checks to be undertaken at any time it is considered reasonably necessary.

6.66. Suitability of DBS disclosures and exemptions

6.67. In seeking to promote its public safety and safeguarding objectives, the licensing authority will only accept original basic DBS disclosure certificates date within 1 calendar month of the application date.

6.68. In recognition that the majority of vehicle proprietors also hold a hackney carriage and/or private hire drivers' licence with the licensing authority and given the fitness and propriety considerations for the grant of a driver's licence, the licensing authority will not require a DBS certificate from any vehicle proprietor applicant, who at the time of the application holds a hackney carriage and/or private hire drivers licence issued by them.

6.69. Relevance of DBS Disclosures

6.70. As it will otherwise be unable to satisfy itself of their background and/or continuing propriety, the licensing authority will take the view that an individual (whether applicant or existing licence holder) should not hold or be given a hackney carriage and/or private hire vehicle licence where the individual –

(a) fails, or is otherwise unable to provide or obtain a suitable DBS disclosure certificate).

(b) otherwise fails (for whatever reason) to provide anything necessary to enable a requisite disclosure to be issued in accordance with DBS guidelines.

6.71. Where a DBS check is required the licensing authority will determine the relevance of convictions by reference to the policies and general guidelines set out at **appendix C**.

6.72. Certificate(s) of good conduct (or suitable equivalent documents)

6.73. In respect of statements of good conduct, the general policies and requirements that the licensing authority will apply to vehicle licensing are similar to that for driver licensing. For this reason, the policies, considerations, and requirements set out in Part 4 in this regard will, subject to the following, apply to vehicle licensing. For this purpose, any references to hackney carriage and/or private hire driver's will, subject to the following, also be taken to include a reference to vehicle proprietors.

6.74. Common Law Police Disclosure Scheme (CLPDS) (or similar)

6.75. The licensing authority notes that the Common Law Police Disclosure scheme (CLPDS) enables the police to pass it information (e.g., of arrest and/or charge) on any individual where there is a public protection risk.

6.76. As CLPDS disclosures are generally made where there is a potential public protection risk, the licensing authority will actively seek to assess the risk and investigate all CLPD notifications made to it under this scheme. For these

reasons, the licensing authority will take a serious view of any licence holder who seeks to frustrate, obstruct, or otherwise fails to provide such assistance or information as may reasonably be required to investigate any CLPDS disclosed matters in a timely manner. Subject to the seriousness of the case and, as an indicator of propriety, this may result in the suspension or revocation of any licence held, even in the first instance.

6.77. Where appropriate, the licensing authority will determine the relevance of any background information it receives as part of a CLPDS disclosure, by reference to the policies and general guidelines set out at **appendix C**.

6.78. Self-reporting of criminal & similar background issues

6.79. In recognition of the -

(d) importance of DBS checks in promotion of its public safety and safeguarding objectives, and

(e) the provisions of the Common Law Police Disclosure Scheme

... the licensing authority will, in additional to any other requirements, require, on condition of any licence granted, any licensed individual to –

(c) notify and disclose their licensed status and occupation to the relevant police officer and/or court (whether in the UK or abroad) if subject to investigation, arrest, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification; and

(d) formally notify the licensing authority, within 48 hours of any investigation, arrest and release, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification issued by the police or any other authority; regardless of whether any of these arise or occur in the UK or abroad. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.

6.80. As it may prevent the police, court(s) and/or the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with either of these conditions, particularly where they drive/operate and derive a monetary benefit from their activities. In particular, the licensing authority may consider failure to comply with these conditions as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the initial allegation, investigation, circumstance, or case concerned.

6.81. Determination of safety and/or suitability of vehicle proprietors

6.82. In considering whether to grant a vehicle licence, the licensing authority will pose and seek to address the following question (or similar); namely –

‘Without prejudice, and based on the information before me, would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard for the duration of any licence granted to them?’

- 6.83. If, on the balance of probabilities, the answer to the above question (or similar) is ‘no’, the licensing authority takes the view that the applicant vehicle proprietor or licence holder should not hold or be given a hackney carriage or private hire vehicle licence. In these circumstances, the licensing authority will suspend, revoke or refuse the licence as may be appropriate.
- 6.84. Being grounded in civil law, the licensing authority recognises that all licensing decisions on the suitability of an applicant or licence holder are made on the balance of probability. In recognition that licensing primarily concerns safeguarding of the public, the licensing authority will take this to mean that an applicant or licence holder should not be given ‘the benefit of the doubt’. Furthermore, in borderline cases, where it is considered 50:50 as to whether an applicant or licence holder is suitable, the licensing authority will also take this to mean that the vehicle proprietor (i.e., the applicant or licence holder) should not hold or be given a hackney carriage or private hire vehicle licence.
- 6.85. In all cases, the onus will rest with the applicant to prove their fitness and propriety to hold a licence to the satisfaction of the licensing authority.

6.86. The number of hackney carriage vehicles

- 6.87. The licensing authority notes that no powers exist to restrict the number of private hire vehicles but that quantity restrictions on the number of hackney carriages are permitted under Section 16(b) of the Transport Act 1985. This provides that ‘a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which a licence would apply) which is unmet’.
- 6.88. At the present time, no demand survey has been carried out and the licensing authority cannot be satisfied that there is no significant unmet demand for the services of hackney carriages in its area. Therefore, in accordance with the recommendations of the DfT, the licensing authority does not currently impose any quantity restrictions on hackney carriage vehicles.

6.89. Accessibility of vehicles

- 6.90. As hackney carriages can be hired on the spot / in the street by customers dealing directly with the driver, the licensing authority believes that anyone should be able to hire a hackney carriage on approach of the driver with the minimum of delay and/or inconvenience. For this purpose, it is the policy of the

licensing authority that all hackney carriages should be accessible to disabled people (including – but not only- people who need to travel in a wheelchair).

6.91. As private hire vehicles can only be booked through an operator (i.e., not immediately available for hire), and hackney carriages can also be used for pre-booked journeys where appropriate, it is the view of the licensing authority that the immediate need for wheelchair accessible private hire vehicles is less essential. For this reason, while private hire operators are encouraged to offer accessible vehicles within their fleet, the licensing authority will not require, as a matter of course, private hire vehicles to provide such access.

6.92. Where any wheelchair accessible vehicle is licensed for use as a hackney carriage or private hire vehicle, it is the policy of the Council to ensure that the vehicle is, always, suitably equipped to enable safe wheelchair user access to and egress from the vehicle, together with the safe carriage of the wheelchair user within the vehicle. For this reason, the licensing authority will, where appropriate and on condition, require any non-integral vehicle access ramps, wheelchair anchorages or other relevant equipment to be indelibly marked with the vehicle registration number of the vehicle for which it has been supplied and that this is checked before use.

6.93. Environmental vehicle standards

6.94. General environmental policy approach

6.95. In recognition of the Council's wider role and its climate change objectives the licensing authority seeks to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels / power, fuel, and engine efficiency (i.e., performance) etc.

6.96. Vehicle emissions standard requirements

6.97. In view of the above and, by way of encouraging a more sustainable, environmentally friendly, and efficient taxi fleet and, subject to all other requirements being met, vehicles will only be licensed as a hackney carriage or private hire vehicle where –

(a) on first time application, the vehicle is electric or otherwise meets, the extant European Emission Standards established on approximation of Council Directive 70/156/EEC of 6 February 1970 (or extant equivalent) in force at the time the application is made; or

(b) on renewal, the vehicle meets the emission standards as set out and defined within two iterations (2i) of the extant European Emission Standards in force at the time the application is made. For example, where the extant European Emission Standard at the time of application for renewal is Euro 6, the vehicle must meet at least Euro 4 emission standards.

6.98. When a new standard is introduced, there is normally a lag between the date that the new standard comes into force for manufacture, and the date by which

any new vehicle sold must meet the new standard. Therefore, to ensure market availability of suitable vehicles that meet the relevant emission standards, the current standard for the purposes of the above policy will be deemed to be the standard that new vehicles being sold must meet at the time of application.

- 6.99. Given the above time lag between new standards being introduced, and the policy coming into effect and to allow time to arrange any necessary vehicle modifications or replacement(s), the licensing authority will endeavour to notify the vehicle proprietor of any vehicle it believes will likely not comply with the 2i policy above, as soon as reasonably practicable after a new standard and date of implementation is announced. However, it asserts that it remains the responsibility of each vehicle proprietor to apply for all appropriate licences and ensure that all appropriate requirements are met.
- 6.100. For the purposes of this requirement, a vehicle shall be taken to meet the relevant emission standards if –
- (a) the date it was manufactured was on or after the date the relevant standard became compulsory for new model types; and/or
 - (b) suitable confirmation of its emission standards can be provided by a suitable independent competent person or recognised source.
- 6.101. However, in recognition of the nature and capability of some vehicles, a limited number of exemptions from the relevant emissions standard requirements may be permitted in the following circumstances.

6.102. Historic and classic / niche vehicles

- 6.103. In recognition of their cultural value and significance, the licensing authority may exempt what it considers as historic and classic / niche private hire vehicles from the European Emission Standard requirements but only where the applicant submits a suitable business case showing why –
- (a) the vehicle should be considered as historic or classic / niche vehicle.
 - (b) the vehicle is essential to the applicant's business; and
 - (c) other vehicles which meet the standards could not be used.

6.104. Specialist needs transport

- 6.105. The licensing authority recognises that some private hire vehicles may be used to carry out a specialist transport service (e.g., for a local authority contract) and/or may have undergone substantial modifications to be able to carry out a specialist service. The licensing authority may exempt specialist needs transport vehicles from the European Emission Standard requirements but only where the applicant submits a suitable business case showing –
- (a) what the vehicles are used for.

- (b) details of all specialist features, adaptations, or modifications and
- (c) why other vehicles could not be used to provide the service.

6.106. Disabled Drivers

6.107. The licensing authority may provide exemption from the European Emission Standard requirements in respect of any vehicle that has been substantially adapted for the use of disabled drivers but only where the applicant submits a suitable Motability report and other evidence clearly showing –

- (a) what adaptations are required and/or have been made and why.
- (b) confirmation of need for any adaptations from the applicant's specialist or GP and
- (c) that all adaptations have been made by an approved company.

6.108. Permitted vehicle modifications

6.109. The licensing authority recognises that some modifications to vehicles can enhance performance, efficiency and the service offered to customers, as well as provide for enhanced safety and/or revenues for vehicle proprietors and/or drivers. Accordingly, subject to all other requirements being met, the licensing authority will permit the following (or similar) modifications to vehicles -

- (a) Removal or installation of mobile communications equipment e.g., radios.
- (b) Removal or installation of mobile computer consoles (or similar) for communication and allocation of jobs with an operator.
- (c) Removal or installation of additional seats (and seat belt mechanisms).
- (d) Conversion of interim steps to running boards (and vice-versa).
- (e) Conversion to or installation of enviro-friendly/green features.
- (f) Change to and installation of a suitable taximeter.
- (g) Removal or installation of credit/debit card payment systems.
- (h) Vehicle advertising e.g., body wraps.
- (i) Removal or installation of personal safety features.
- (j) Reasonable adjustments or adaptations for disabled drivers (where appropriate).
- (k) Installation and use of a suitable bulkhead (where not otherwise required).

- (l) Installation and use of a suitable CCTV camera system.
- (m) Systems that provide for a secure driver cell.
- (n) Installation and use of a GPS tracking system.
- (o) Installation and storage of a fire extinguisher.
- (p) Installation of a panic alarm system (or similar).

6.110. However, the licensing authority will not authorise any proposed feature or modification that detracts from or otherwise affects the ability of the vehicle to comply with its vehicle specification, licence conditions and/or licensing objectives. For example, modifications that may affect the ability to carry luggage, ramps and other equipment and/or may affect safety. For these reasons, vehicle proprietors seeking to modify their vehicles in any way are encouraged to discuss their proposals with the licensing authority first. Vehicle modifications undertaken without prior approval are made at the vehicle proprietor's own risk and, where appropriate, cost if not suitable.

6.111. To ensure that vehicles continue to conform to a recognised safety standard, any modifications or repairs to any vehicle or its component parts, that may reasonably be considered integral to the vehicle, may affect vehicle integrity, or otherwise affect any vehicle safety feature (e.g., seat belts), must –

- (a) be undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter, or approved agents; and
- (b) be undertaken and certified by a competent person.

6.112. In-cab-CCTV camera systems

6.113. Mindful of its potentially intrusive nature, together with certain legalities surrounding the provision and use of in-cab CCTV, and to ensure an acceptable standard where fitted, the licensing authority will permit in-cab CCTV systems which monitor the passenger compartment only where the following requirements are met -

- (a) The system and driver / vehicle proprietor must ensure compliance with the current Information Commissioner requirements, codes of practice and data protection legislation.
- (b) Where a CCTV system includes audio recording this must be overt (i.e., all parties should be aware when recordings are being made) and targeted (i.e., only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and must recognise the need for privacy of passengers' private conversations between themselves. Activation of the

audio recording capability of a system must be able to be instigated by both the passenger or driver on operation of a switch, button or similar.

- (c) The CCTV system must be capable of manually being switched off.
- (d) All CCTV recorded images / footage and copies thereof shall, so far as is reasonably practicable, display the correct time and date of each recording.
- (e) CCTV recordings and footage must be retained for a minimum period of 28 days and be made available for review by the Police or licensing authority upon request (subject to the requirements of the Data Protection legislation in force at the time). There must be no other access to the footage.
- (f) Recordings must be encrypted, and the relevant software / access provided only to the Police and licensing authority.
- (g) All CCTV recorded images and footage and copies thereof shall, so far as is reasonably practicable, be of evidential standard / quality and otherwise be regarded as identification standard.
- (h) Cameras shall be fitted in locations that do not affect the safety of any person travelling in the vehicle, as securely and discreetly as possible so as to avoid tampering.
- (i) Where the system uses a recording facility that may be susceptible to impact, shock, vibration or similar (e.g., DVD recorders), the system is suitably protected from such factors.
- (j) Any system and associated components must meet the Electromagnetic Compatibility Regulations in force at the time.
- (k) The licensing authority must be made aware of any licensed vehicle that is fitted with in-cab CCTV.
- (l) A clear and concise advisory notice, that CCTV is fitted (and where appropriate that audio recording is available and how to activate it) shall be displayed inside each passenger compartment of the vehicle in a prominent position where it can be easily read by persons both inside and outside of the vehicle.
- (m) The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified and competent person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such records shall be made available to the police or licensing authority on request.

- (n) The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding its operation and use.

6.114. Installation and storage of fire extinguishers

6.115. As a vessel under pressure, any fire extinguisher must comply with the Pressure Systems Regulations 2000 (or extant equivalent). The licensing authority will therefore permit the in-cab installation and storage of a fire extinguisher only where it is certified by a competent person as being safe and suitably maintained.

6.116. Notification of vehicle modifications to insurers and others

6.117. The licensing authority notes that some vehicle modifications are subject to declaration and/or may affect the validity and extent of vehicle insurance. The licensing authority asserts that it remains the responsibility of the vehicle proprietor to make all relevant declarations and/or notify all relevant parties of any changes as may be appropriate. For these reasons, the licensing authority may, where appropriate, require suitable verification with / from any relevant party concerned (e.g. vehicle insurance company) of any relevant vehicle modification.

6.118. Exceptions to permitted vehicle modifications policy

6.119. Except where it may impact on safety and, subject to all other requirements being met, the licensing authority will permit temporary and minor vehicle modifications that are widely recognised and generally designed to support some social or cultural event of (inter)national significance (or similar). By way of example as to the nature and extent of this particular policy, this policy applies only to issues such as the mounting of national flags on vehicle bonnets during the FIFA World Cup, or the mounting of noses on vehicle radiator grills in support of Red Nose Day and/or similar.

6.120. Vehicle recall status certification

6.121. The licensing authority notes that vehicles, their components and parts may from time to time be recalled for safety-related defects and subsequent remedial works. The licensing authority also notes that recalls are co-ordinated by the DVSA in accordance with its code of practice on vehicle safety defects.

6.122. By way of ensuring driver and public safety, the licensing authority will not permit the use of any vehicle as a hackney carriage or private hire vehicle that is the subject of a safety-related recall which has not been subject to all relevant actions or works necessary to remedy the recall defect. Where appropriate, the licensing authority will require applicants and licensed proprietors to submit suitable documentation showing satisfactory completion of all necessary remedial actions and work relevant to any such recall and the vehicle concerned.

6.123. Vehicle History

6.124. Stolen Vehicles, Plates and Registration Plates

- 6.125. The licensing authority notes that each year, many vehicles, taxi plates and registration plates are stolen and re-sold on the open market; often after some modification and/or some attempt to mask the stolen or another vehicles' identity. It also notes that stolen goods remain the property of the individual or organisation from whom they were taken.
- 6.126. By way of preventing vehicle fraud, ensuring public safety and protection, the licensing authority will not accept any vehicle for licensing purposes that is currently recorded by police as stolen or otherwise written off due to theft. This policy will apply regardless of whether the vehicle presented to it meets other requirements.
- 6.127. Whilst some are recovered and returned to their owners, the licensing authority notes that stolen vehicles are often subject to significant abuse and damage by those taking them. Stolen licensed vehicles, together with their licence plates, may also offer a degree of obscurity and concealment to the criminals that take them.
- 6.128. For these reasons, the licensing authority will require, on condition of any licence granted, any vehicle proprietor to notify it, as soon as is reasonably practicable, of the theft of any vehicle or its licence or registration plates for which they are the licence holder.
- 6.129. As it may prevent it from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition.

6.130. Insurance write-offs

- 6.131. The licensing authority notes that each year many vehicles are stolen and/or involved in road traffic accidents or collisions. Some of these may be reliably repaired. Others may experience more severe damage, to the point where they are no longer serviceable, safe and/or roadworthy. To ensure that vehicles are safe to drive and not subject to fraud, it is essential to check if a car has been involved in an accident or written off due to theft or damage or, where appropriate, that it has subsequently been repaired to a suitable standard by a competent person.
- 6.132. For reasons of public safety and protection, the licensing authority will not licence any vehicle that has been subject to such damage as to be categorised as a category A or B 'write off' under the extant Code of Practice for the Disposal of Motor Vehicle Salvage. As damage at this level cannot always be detected or fully repaired, this policy will apply regardless of whether the vehicle has since been repaired to an MOT pass standard.

6.133. Subject to the following and all other criteria being met, the licensing authority may, where appropriate, licence vehicles categorised under the extant Code of Practice for the Disposal of Motor Vehicle Salvage as –

- (a) category C (where repairable but not economically viable i.e., an insurance write-off)
- (b) category D (vehicle is damaged but repairable)
- (c) category N (repairable non-structural damage) or
- (d) category S (repairable structural damage).

6.134. However, before a licence is granted, or where appropriate, re-instated, the licensing authority will require relevant paperwork to confirm that the vehicle is suitably repaired and roadworthy, this will include but is not limited to evidence:

- (a) of the repair(s) carried out.
- (b) That repair(s) were undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents.
- (c) That repair(s) were carried out by a competent person, and
- (d) That the vehicle has subsequently passed an MOT.

6.135. Scrapped Vehicles

6.136. The licensing authority notes that by law, vehicles previously marked as scrapped by the DVLA should not be on the road or otherwise available for sale in the UK. However, in the same way that vehicles which have been written off by insurance companies can make it back onto the open market, the same can happen with scrapped cars. As most scrapped vehicles are end-of-life and/or vehicles with significant mechanical or other serious faults these can present significant risks to anyone using one, together with other road users.

6.137. For reasons of public safety and protection and by way of preventing vehicle fraud, the licensing authority will not grant or renew a hackney carriage or private hire vehicle licence in respect of any vehicle that has previously been marked or recorded as scrapped by the DVLA. This policy will apply regardless of whether any vehicle presented to it meets all other requirements.

6.138. Vehicle mileage discrepancies

6.139. According to some observers, several vehicles in the UK has a discrepancy between its actual and apparent mileage. Whilst some discrepancies may be legitimate, the licensing authority notes that vehicle mileage discrepancies can be a sign that a vehicle has been 'clocked', meaning someone has tampered with the odometer to make it appear as if the vehicle has done fewer miles than it actually has, masking the real mileage of the vehicle.

6.140. Whilst 'clocking' is often done to maintain or enhance a vehicle's value, this can result in a dangerous vehicle as it may mask the degree of wear and tear on the vehicle and/or other serious and costly problems. Clocking also raises concerns about major component failure(s) because they will not have been scheduled to have been replaced at the right time. Vehicle proprietors may also end up paying well over the odds for the vehicle (depending on how much its mileage has been changed by) and may consequently experience difficulties in maintaining it (i.e., affordability).

6.141. For reasons of public safety and protection and by way of preventing vehicle fraud, the licensing authority will not, subject to the following exceptions, grant or renew a hackney carriage or private hire vehicle licence in respect of any vehicle that is the subject of any mileage discrepancy.

6.142. Exceptions

6.143. The licensing authority notes that odometers and associated instrument clusters where the vehicle mileage is displayed can sometimes become faulty, be damaged (e.g., in a vehicle accident) and/or necessitate replacement. Some vehicles may also suffer electrical faults which can cause digital mileage data corruption along with other important vehicle data. In such circumstances, the licensing authority notes that mileage correction may be legitimately required to restore odometers and associated instrument clusters to their pre-fault value(s).

6.144. The licensing authority may therefore deviate from its general policy on mileage discrepancies and renew a hackney carriage or private hire vehicle licence in respect of any vehicle that is the subject of any mileage discrepancy, but may do so only where –

- (a) The vehicle was licensed with RBC at the time that the discrepancy occurred.
- (b) A suitable report is received from a competent person confirming the issue that led to the discrepancy, and any works that have been carried out to repair / replace parts in relation to it (by that competent person).
- (e) Evidence that repair(s) were undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents, and
- (c) An estimation of the correct mileage of the vehicle, with any available evidence.

6.145. Where the evidence of the estimated mileage is not to the satisfaction of the licensing authority, the vehicle will be required on condition to have the maximum number of MOT's each year, in accordance with the licensing authority's MOT policy, as if the vehicle was over the highest threshold in overall or annual mileage.

6.146. Imported Vehicles

6.147. Imported vehicles that were delivered new and/or used in another country may not be built to UK specifications and requirements. The history of imported vehicles can be difficult to trace back further than when they were first registered in the UK. Imported vehicles may also be more expensive to insure and maintain; it generally being harder to obtain specialist servicing and/or replacement parts.

6.148. However, it is not possible to register an imported vehicle with the DVLA until such time as all requirements are met and the vehicle approval has been evidenced, therefore showing that the vehicle meets the UK requirements and safety standards. Issues of more expensive insurance and maintenance are considerations for the vehicle proprietor, therefore the licensing authority will allow a licence for an imported vehicle, if evidence of UK registration with the DVLA is received, and all other policy requirements are met.

6.149. Exported Vehicles

6.150. The licensing authority notes that any vehicle recorded as officially exported, should not be available for sale in the UK, or otherwise be in the country as it cannot legally be used or insured on UK roads. As such, the identity of any presented vehicle recorded as exported is open to question together with whether the vehicle has been cloned.

6.151. For reasons of public safety and protection and by way of preventing vehicle fraud, the licensing authority will not accept any vehicle for licensing purposes that has previously been marked for or recorded as having been officially exported.

6.152. Vehicle registration plate (number plate) checks

6.153. The licensing authority notes that it is relatively easy to change vehicle number plates. Indeed, some people may legitimately change a vehicles' registration plates to personalise their vehicle. However, in some cases, criminals and the unscrupulous can change vehicle number plates and/or replace them with those of another vehicle to hide a vehicle's history and/or identity.

6.154. For these reasons, the licensing authority will, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only in respect of those vehicles where the vehicle registration plate (and identifier) has been suitably validated and is consistent with the vehicle and all associated documentation concerned.

6.155. Logbook (V5 registration document) checks

6.156. The licensing authority notes that a vehicle logbook (the V5C or vehicle registration document) registers a vehicle with and is issued by the Driver and Vehicle Licensing Agency (DVLA). It contains all the essential information about a vehicle, such as the date it was first registered, its manufacturer, colour,

engine size and vehicle identification details. The V5C logbook is also used to record the details of the registered keeper of a vehicle and may be subject to multiple updates and (re)issue when the vehicle is sold or transferred on to a new keeper.

- 6.157. For these reasons, the licensing authority will, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only in respect of vehicles where the vehicle logbook has been suitably validated, is current, up-to-date, and consistent with the vehicle concerned.
- 6.158. To ensure appropriate consent and/or use of the vehicle, the licensing authority will require the registered keeper where an individual to be listed on, and sign the application form for a vehicle licence either as the applicant, or a person with a financial interest in the vehicle, who would also become a joint vehicle proprietor.
- 6.159. Where the registered keeper is a company, but not the applicant for the vehicle licence e.g., where the vehicle is leased, the licensing authority will require a copy of the contract with or confirmation in writing from the registered keeper on letter headed paper, that they consent to the use of the vehicle as a hackney carriage or private hire vehicle, and to the relevant applicant applying for the requisite licence for the vehicle.
- 6.160. The licensing authority recognises that when a brand-new vehicle is purchased, there may be some delay in receiving the V5C, therefore the licensing authority will not delay licensing for this purpose, subject to submission of documentation showing that the applicant has purchased the vehicle e.g., a bill of sale. However, so that the licensing authority can be satisfied that the vehicle is appropriately registered, the licensing authority will require on condition the V5C to be submitted when received.
- 6.161. So as to ensure that V5C documentation remains up to date, the licensing authority will on condition require notification and submission of the new V5C at any time that it is re-issued by the DVLA e.g., change of ownership, address or any other detail.

6.162. Vehicle Identification Numbers

- 6.163. The licensing authority notes that all vehicles are given a unique vehicle identification number (VIN) and engine number at the point of manufacture.
- 6.164. The VIN is marked and displayed on each vehicle in several places. The exact location of each VIN plate varies depending on vehicle design and manufacturer. However, typical locations include the vehicle chassis, under the bonnet, under the carpet by the driver's seat, the passenger door jamb and/or etched on to the vehicle windows. The engine number is specifically stamped on the vehicle engine. The VIN and engine number are also detailed in the vehicle logbook (the V5C or vehicle registration document).

6.165. The licensing authority is also aware that missing, illegible, damaged or inconsistent vehicle identification and/or engine numbers can be a sign that a vehicle has been stolen, cloned, modified or has otherwise encountered other problems that may be being masked.

6.166. Engine and vehicle identification number (VIN) policy

6.167. By way of ensuring that vehicles and major parts are safe, suitable and conform to a recognised standard, the licensing authority will, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only in respect of those vehicles that have clear and consistent engine and vehicle identification number (VIN) markings on the vehicle, its relevant parts and documents.

6.168. As it will otherwise be unable to satisfy itself of a vehicle's identification, suitability and/or standards, the licensing authority will not grant a hackney carriage or private hire vehicle licence in respect of any vehicle where VIN markings or engine numbers –

- (a) are missing; illegible, damaged, defaced altered or tampered with in any way; or
- (b) are otherwise inconsistent on the vehicle (e.g., VIN plates, serial number plates, engine number plates) and/or related documents (e.g., MOT, V5 registration document, sale documents, vehicle history check etc).

6.169. Vehicle History Checks

6.170. In view of the above issues in respect of vehicle history, and to ensure that appropriate safeguards are in place, the licensing authority will, on first time application for any vehicle to be licensed as a hackney carriage or private hire vehicle, which is not brand new and purchased directly from a dealership, or where any vehicle has not been continuously licensed with the licensing authority, require applicants to submit a suitable vehicle history check (sometimes known as an HPI check) (or extant equivalent), dated no longer than 14 days before the vehicle is to be licensed, that covers, as a minimum, the following:

- (a) Outstanding finance on the vehicle.
- (b) Previous Write-offs.
- (c) Whether the car has been reported stolen.
- (d) Vehicle identity (including VIN and engine number).
- (e) Registration Changes.
- (f) Mileage Check.

(g) Whether the car has been scrapped.

(h) Whether the car has been exported

6.171. The licensing authority may, where it considers it appropriate to do so, require a vehicle history check at any time. **NB:** Third party non-refundable fees may be payable for these services.

6.172. As it will otherwise be unable to satisfy itself of a vehicle's suitability for licensing purposes, the licensing authority will refuse to grant a hackney carriage or private hire vehicle licence in respect of any vehicle where a suitable vehicle history check has not been provided at the time of application. Similarly, the licensing authority will not grant and may suspend or revoke a hackney carriage or private hire vehicle licence in respect of any vehicle where there is any contra-indication to the checks outlined.

6.173. Vehicle testing

6.174. By way of satisfying itself of the safety, roadworthiness and suitability of vehicles, the licensing authority will require each vehicle to be subject to the following on application for both grant or renewal of a hackney carriage or private hire vehicle licence; namely -

(a) a valid MOT pass certificate, and

(b) inspection by Council officers.

6.175. MOT inspection and testing

6.176. Under UK law (see the Road Traffic Act 1988), most vehicles over three years old used on any road must be subject to annual inspection and testing of vehicle safety, roadworthiness and exhaust emissions. This test and the associated pass certificate are often referred to as an 'MOT'. Whilst many local garages are authorised to perform MOT tests and to issue MOT certificates, MOT testing is regulated and licensed by the Department and Transport and the Driver and Vehicle Standards Agency (DVSA).

6.177. It is unlawful to drive a non-exempt vehicle that requires a test on public roads without a valid MOT, except when driving to or from (subject to insurance terms and conditions) a pre-booked MOT test.

6.178. The licensing authority notes that an MOT test certificate confirms that at the time of test, the vehicle has met the minimum acceptable environmental and road safety standards. It does not mean that the vehicle is roadworthy for the life of the MOT certificate. A vehicle could suffer a fault or damage after an MOT has been carried out, but the MOT certificate would still be valid, and obtaining a new one is not required by law. However, driving a vehicle which is in a dangerous condition on a public road is always illegal, irrespective of its test status.

6.179. To ensure that hackney carriage and private hire vehicles are safe and roadworthy, the licensing authority will require both on initial grant and renewal, the vehicle to have passed an MOT test within the preceding 28 days (on renewal within 28 days of the expiry date of the existing licence).

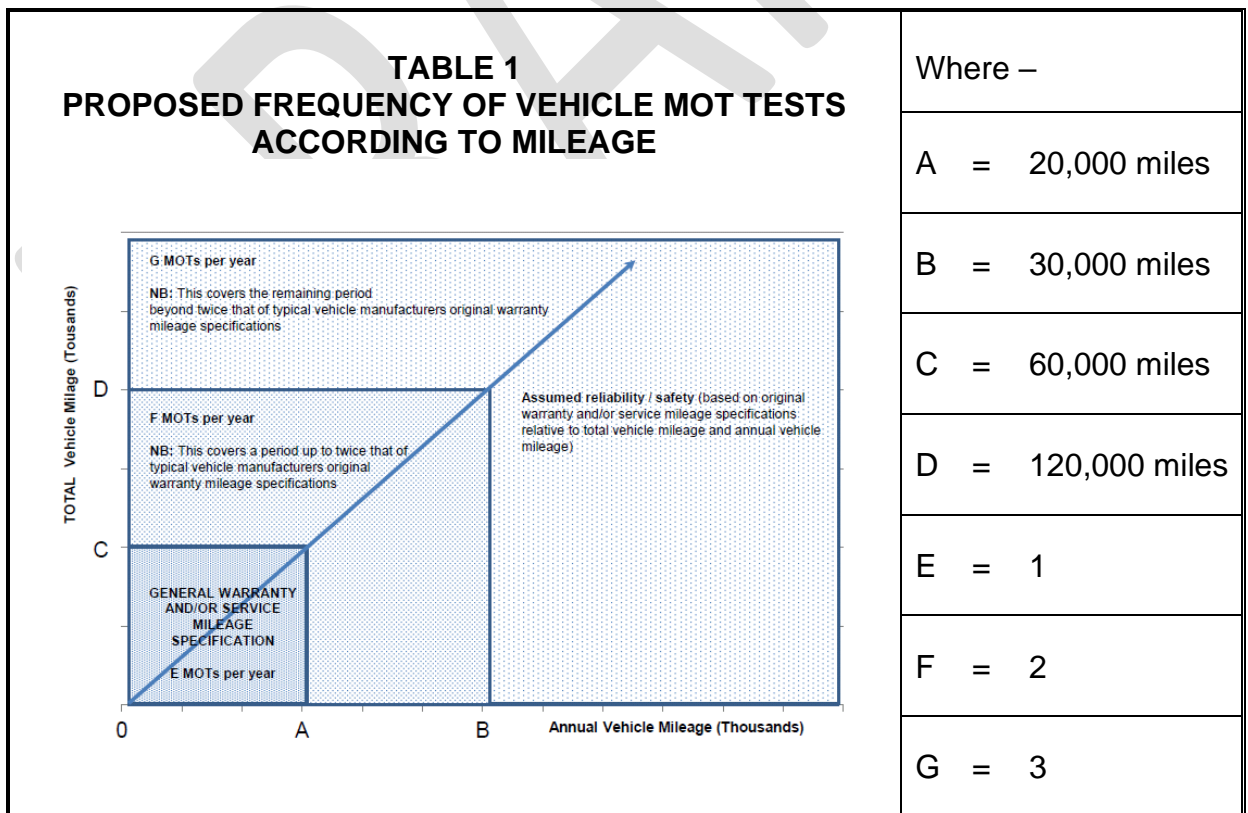
6.180. Where a brand new vehicle is to be licensed for the first time (within 56 days of the date of registration) in recognition that the vehicle will not have been used or subject to any wear and tear, an MOT test will not be required.

6.181. By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by the DVSA.

6.182. Additional MOT inspection and testing requirements

6.183. As hackney carriage and private hire vehicles are generally subject to high use and high mileage, the licensing authority considers it appropriate that all such vehicles should be subject to additional MOT inspection and testing above initial grant, renewal and/or annual MOT requirements.

6.184. To ensure vehicle safety and facilitate maintenance, the licensing authority will therefore require, on condition, licensed hackney carriages and private hire vehicles to be subject to MOT inspection and testing according to the frequencies determined by either the annual or total vehicle mileage limits (whichever greater limit applies) detailed in **table 1** below.



6.185. For these purposes, annual vehicle mileage shall be taken to mean the difference between odometer readings as recorded on the MOT completed at

the time of application and the MOT certificate undertaken for the previous application (where a vehicle is issued for 6 months, this will be doubled to provide a year of data). Where a vehicle was licensed as a brand-new vehicle and therefore not required to have an MOT in accordance with the above policy, the starting mileage will be considered as 0 for the purposes of calculating the number of MOT's required by condition on the subsequent licence.

- 6.186. Given that it is expected that a 6-month vehicle licence will only be applied for when the vehicle proprietor does not intend to renew the licence on its expiry (e.g. intends to replace the vehicle or leave the trade), in the circumstances where a vehicle falls into the 3 MOT's per year category, and a 6 month licence is applied for, the condition will be applied as for a 1 year licence that the MOT is due 4 months after licensing in accordance with the above. However, if the vehicle proprietor chooses to renew the vehicle licence, in accordance with this policy, an MOT will still be required in the 28 days preceding the expiry date of the licence.
- 6.187. As mechanical and electrical faults and other issues affecting roadworthiness may occur at any time during the term of a licence (where granted), the licensing authority may require additional inspection, test and MOT checks to be undertaken at any time it is considered necessary in the circumstances.
- 6.188. Recognising that good vehicle maintenance is a factor in ensuring roadworthiness and safety, the licensing authority will, subject to an initial warning on identification of the first concern, increase the number of required MOTs by a factor of one on licence renewal, where there are any indicators of poor vehicle maintenance. This may include, but is not limited to –
- (a) Repeated MOT failures prior to repair and pass (two or more occasions in a rolling 2-year period) and
 - (b) Where a previous MOT advisory results in current MOT failure
- 6.189. Where applied, this policy will apply for the life of the vehicle under licence with the vehicle proprietor concerned. Where a vehicle licence is subsequently transferred from one person to another, this policy will not be applied where the incumbent vehicle proprietor has no prior history of poor vehicle maintenance.
- 6.190. Where a vehicle proprietor repeatedly fails to carry out MOTs on time in accordance with licence conditions (two or more occasions in a rolling 2-year period), the licensing authority will, subject to an initial warning the first time it occurs, limit the term and duration of all hackney carriage or private hire vehicle proprietor's licences held by that licence holder in accordance with the MOT frequencies specified in this part.
- 6.191. MOT advisories / minor defects**
- 6.192. Advisory notes and / or minor defects may be provided as part of an MOT. Whilst not reasons to fail an MOT test, these notes give notice of things that

may eventually need fixing on a vehicle. Advisory notes and minor defects vary in importance dependent upon what they are for and can range from minor problems (e.g., a stiff boot) to early warnings of more serious issues which, if left unchecked, could lead to future MOT failure(s) and safety problems (e.g., signs of corrosion, low tyre tread depth, worn brake pads / discs, number plate deterioration etc).

- 6.193. As some advisory matters / minor defects (e.g., tyres close to the legal limit) may develop into unsafe and/or unlawful conditions during the term of a licence and/or the period between MOTs, the licensing authority is of the view that some advisory matters / minor defects should be subject to ongoing checks, maintenance and/or repairs as may be appropriate.
- 6.194. For this reason, and to ensure that hackney carriage or private hire vehicles remain safe and roadworthy, the licensing authority will where appropriate on condition require evidence that any advisory issue is being monitored and / or repaired / replaced within a suitable timescale.

6.195. Vehicle servicing & maintenance

- 6.196. In recognition that poor vehicle maintenance can impact both on driver, passenger and public safety, the licensing authority will, regardless of any other policies or requirements, expect vehicle proprietors to maintain their vehicles in a good, roadworthy condition at all times and to exercise all due diligence in demonstration thereof.
- 6.197. In recognition that vehicles and/or their parts may fail at any time due to use, wear and tear and environmental conditions etc. the licensing authority contends that basic maintenance and safety checks should be undertaken before any licensed vehicle is taken out on the road and that all such checks should be subject to all due diligence.
- 6.198. For these purposes, the licensing authority will require vehicle proprietors, on condition of any licence to ensure that vehicle checks are carried out, on every day that the vehicle is used as a hackney carriage or private hire vehicle, before work commences, and keep and maintain a written record (paper or electronic) including the following:
- (a) The date & time that the check was carried out,
 - (b) The person who carried out the check,
 - (c) The vehicle functions and parts checked,
 - (d) Any defects identified, and
 - (e) Any remedial action taken

6.199. As a minimum, the licensing authority expect as a minimum the following to be checked to ensure that they are in a roadworthy condition, and / or are fully working:

- (a) Tyres (tread, pressure, damage etc.),
- (b) all vehicle lights,
- (c) windscreen wipers,
- (d) that there are no warning lights illuminated, and
- (e) time on taximeter (where one is fitted)

Whilst not needing to be checked daily, regular checks should also be carried out and recorded to ensure that oil, water, coolant, brake fluid and screen wash levels are suitable.

6.200. The licensing authority may ask to see these or the vehicle repair / service records at any time. Given the importance of maintaining the vehicle for the safety of the driver, passengers and other road users, the licensing authority will take a serious view of any vehicle proprietor who fails to ensure the vehicle is suitably maintained, checks are carried out or provide the records on request.

6.201. Self-directed vehicle maintenance and repairs

6.202. To minimise costs and/or maintain personal interests, some drivers and vehicle proprietors may seek to undertake their own vehicle maintenance and repairs. However, the licensing authority notes that some vehicles, their component parts and/or the interactions between them can be technically complex and require some degree of knowledge, skill and/or competence to test, inspect, replace, update and/or maintain etc.

6.203. In addition, the licensing authority contends that licensed vehicles have been licensed at the standard and specification determined at the point of being licensed.

6.204. In view of the above, the licensing authority will not discourage appropriate self-directed vehicle maintenance or repair but does expect that all vehicle maintenance and/or repairs are undertaken by a competent person who is suitably trained to a level commensurate to the type and nature of any work undertaken. Subject to its policies on vehicle modifications, the licensing authority also expects that any maintenance or repairs resulting in replacement or update of any vehicle parts are undertaken with suitable parts of the same (or equivalent) specification as the original vehicle specifications.

6.205. As poor vehicle maintenance, repair and/or use of unsuitable parts can cause or otherwise contribute to vehicle safety failure(s) and/or accidents, the licensing authority will take a serious view of any driver and/or vehicle proprietor

who undertakes any vehicle maintenance and/or repair for which they are not suitably trained or competent and/or where they use unsuitable parts and may request evidence of competence.

6.206. In recognition that many modern vehicles employ engine management and other systems, any reference to vehicle parts shall, in addition to any physical part(s), be taken to include vehicle management and/or systems software.

6.207. Prolonged vehicle repairs / maintenance

6.208. The licensing authority recognises that at times repairs on vehicles may take a long time due to availability of parts, complexity of works etc. In order to ensure that licensed vehicles cannot be used for licensable activities when not fit to do so, where a licensed vehicle has a defect that means it is likely to be off the road for a prolonged period of time (over 1 week) whether that be due to a mechanical fault or accident damage, the licensing authority will suspend the vehicle licence, require the plates to be temporarily returned to them and require evidence (a date stamped photograph) of the vehicle mileage at the time that it was taken off the road.

6.209. Council test & inspection

6.210. In recognition that an MOT check confirms that the vehicle is roadworthy, but does not check fixtures and equipment relevant to the comfort of passengers, standards of cleanliness and general condition / perception of the vehicle or requirements specific to its use as a hackney carriage or private hire vehicle in accordance with the policy of the licensing authority, the licensing authority will require both on initial grant and on renewal, the vehicle and, where appropriate, all relevant effects and equipment (e.g., ramps, anchorages etc), to be presented for test and/or inspection by licensing officers to ensure that it is suitable for public use.

6.211. Dependent on the nature of any issue identified during the council inspection, the licensing authority may refuse to grant or renew the licence, require remedial action before the licence is granted or renewed or grant or renew the licence subject to a condition that the issue is rectified within a suitable timescale.

6.212. For reason of ensuring public safety and the suitability of vehicles (and in accordance with legal frequency), the licensing authority may require vehicles to be presented for additional checks during the life of any licence, and where issues are identified require remedial works and / or suspend or revoke the vehicle licence. The licensing authority may from time-to-time search vehicles (i.e., for drugs, weapons, and anything else that does not belong in a public setting).

6.213. Where, during any inspection or on receipt of any intelligence / information there is an indication that there may be a mechanical issue with the vehicle, the licensing authority may require (in accordance with S68 of the Local

Government (Miscellaneous Provisions) Act 1976) the vehicle to be presented at a garage of the licensing authorities' choice for inspection.

6.214. Vehicle insurance

6.215. The Road Traffic Act and associated Regulations require a suitable policy of insurance is in force in relation to the use of most motorised vehicles on the public highway. For this reason and similar requirements made by under S48(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority will require a suitable policy of insurance on grant or renewal of any hackney carriage or private hire vehicle licence and, on condition, that this is suitably maintained.

6.216. For this purpose, and by way of ensuring adequate cover for all parties, a 'suitable policy of insurance' will be taken to mean –

- (a) a valid and fully comprehensive policy.
- (b) a policy that provides indemnity cover for each licensed driver of the vehicle concerned.
- (c) a policy that provides the cover for business use on hire and reward as a hackney carriage or private hire vehicle as may be appropriate.

6.217. The licensing authority further notes that licensed hackney carriages and private hire vehicles can only be driven by a licensed hackney carriage and/or private hire driver and that this applies regardless of whether the vehicle concerned is, at any time, being used for public or private purposes. For this reason, the licensing authority will **not** accept any vehicle insurance as being suitable where it includes any named driver that is not licensed by them as a hackney carriage and/or private hire driver. Applications made with insurance that also covers one or more unlicensed drivers will be refused.

6.218. Bereavement

6.219. In the unfortunate situation that a vehicle proprietor passes away, where there is a person with a financial interest in the vehicle named on the hackney carriage and/or private hire vehicle licence, and therefore jointly responsible for the vehicle licence, that person will automatically become the vehicle proprietor and be able to deal with any licensing related requirements.

6.220. Where there is no person with a financial interest named on the hackney carriage and/or private hire vehicle licence, the licensing authority will require proof of inheritance of the vehicle (e.g., copy of will, probate documents) to transfer the licence into the relevant person's name, along with any other submissions required in accordance with this policy (e.g., DBS certificate, insurance, V5C etc). Given the time that it may take to obtain these documents, and to ensure no unlawful use of the vehicle as a hackney carriage or private hire vehicle in the interim period, the licensing authority will suspend the vehicle licence until such time as the documentation is provided.

6.221. Taxi fares and meters

6.222. Background & Context

6.223. S65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the licensing authority may set the rates or fares for hackney carriage journeys within its area (as well for time and distance) by means of a table or scheme of fares. Whilst not a statutory requirement that taxis must be fitted with a taximeter, once established, the only means by which the scheme of fares can be reliably and impartially calculated is by a taximeter.

6.224. A taximeter is a mechanical or electronic device that calculates passenger fares based on a combination of distance travelled and journey duration, including waiting time. Distance is typically measured using a pulse generator (i.e. a transducer) fixed to a moving part of the vehicle, whilst duration and waiting time is regulated by an in-built clock. As a measuring instrument (measuring time and distance), taximeters used in the UK must comply the requirements of the Measuring Instruments Regulations 2016 (SI 2016/1153) which implement Council Directive 2014/32/EU (or extant equivalent).

6.225. Modern digital taximeters are programmed using access ports through which the taximeter parameters can be adjusted or calibrated to suit the class and type of vehicle concerned and the local scheme of fares to be applied. Taximeters are often 'sealed' after calibration to prevent tampering, adjustment, and fraud.

6.226. It is, within Rushmoor, an offence under S58 of the Town Police Clauses Act 1847 to charge more than the permitted scheme of fares; as effectively shown on the taximeter, plus any legitimate extras.

6.227. There is no similar power to set the fares charged by private hire drivers / operators. These are entirely a matter for negotiation with, and form a private contract between, the hirer and the operator. However, S71 of the Local Government (Miscellaneous Provisions) Act 1976 provides that where a private hire vehicle is fitted with a taximeter, the taximeter must be tested and approved by or on behalf of the licensing authority which issued the relevant vehicle licence. In light of this, where it is the intention for any private hire vehicle to be used with a taximeter, the licensing will check the meter as part of the Council Test inspection and will not licence the vehicle until they have been able to do so.

6.228. Taximeter policy

6.229. As it sets a scheme of hackney carriage fares, the licensing authority will, by way of ensuring public protection, require, on condition of any hackney carriage vehicle licence and any private hire vehicle licence where the vehicle is fitted with a taximeter, that -

- (a) such a vehicle must be fitted with a suitable taximeter that calculates and displays the fare for each journey in accordance with its extant scheme of fares.
- (b) the fare display of the taximeter must be clearly visible to all passengers at all times.
- (c) a fare chart is displayed in the passenger compartment of the vehicle.

6.230. By way of ensuring public protection, the licensing authority will require, on condition, where appropriate, that any adjustment, calibration, calendarisation, programming and/or sealing of any taximeter is undertaken and certified by an independent competent person (e.g., an accredited taximeter agent).

6.231. By way of ensuring public protection, the licensing authority will require, on condition, any driver and/or vehicle proprietor to present any licensed vehicle fitted with a taximeter at such reasonable time and place to enable its inspection and testing on request.

6.232. Lifting equipment inspection certification

6.233. The licensing authority notes that for reasons of safety and maintenance, any mechanical lifting equipment is subject to periodic inspection and testing requirements under the Lifting Equipment & Lifting Operations Regulations 1998 (LOLER). Therefore, for reasons of public safety and compliance with the law, the licensing authority will require applicant proprietors to submit and maintain a valid LOLER certificate for each piece of lifting equipment that may be fitted to or within the vehicle (e.g., powered swivel seats, mechanical lifts etc).

6.234. Vehicle photographs

6.235. By way of monitoring and recording vehicle condition, colour and advertising, the licensing authority will require applicants to –

- (a) allow the licensing authority to take (and freely reproduce for the purposes of administration and supervision of the vehicle licence) suitable digital colour photographs of the vehicle; or
- (b) submit, at their own expense, suitable colour photographs.

6.236. CONDITIONS OF VEHICLE LICENCE & ASSOCIATED POLICIES

6.237. Section 47(1) and Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a hackney carriage and private hire vehicle licence as may be considered reasonably necessary.

6.238. Relevance of conditions and other vehicle requirements

6.239. Failure to comply with vehicle licence conditions and associated requirements may, where appropriate, be used as an indicator of vehicle safety, condition or status and may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

6.240. The numbers to be carried in licensed vehicles

6.241. In recognition that the number of people to be carried in a hackney carriage or private hire vehicle can impact on public safety and/or determine the licensing regime applicable to the vehicle, the licensing authority will specify the total number of passengers that may be carried in any such vehicle. Subject to any exemption, this limit will be detailed on the vehicle plate and licence.

6.242. The licensing authority will licence only those vehicles capable of carrying up to eight passengers; this being the statutory maximum before a public service vehicle licence is required. However, the actual number of passengers to be carried in any one vehicle will be determined with reference to the following -

- (a) the manufacturers recommendations.
- (b) the number of passenger seats specified on the DVLA vehicle registration document V5.
- (c) the number of available seats and suitably fitted seat belts; and
- (d) the relevant vehicle specification.

6.243. Distinction between hackney carriage & private hire vehicles

6.244. It is widely recognised that members of the public can often confuse private hire vehicles with hackney carriages without realising that private hire vehicles are not available for immediate hire or otherwise able to be hailed in the street. As this may affect insurance, the licensing authority considers it particularly important that the public can easily distinguish between each type of vehicle. A similar requirement is required in law under S48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

6.245. For these reasons, while it will accept similar types of vehicles to be licensed as a hackney carriage or private hire vehicle (except for purpose built London style 'black cabs'), the licensing authority will, where appropriate, seek to distinguish between hackney carriage and private hire vehicles by application of the following policies and considerations.

6.246. Vehicle plates

6.247. To ensure that members of the public can easily identify a licensed vehicle, together with the number of passengers that it can carry, the licensing authority

will require, on condition, both hackney carriage and private hire vehicles to display a licence plate both –

- (a) on the exterior, at the rear of the vehicle;
- (b) on the interior, on display to the passenger compartment; and
- (c) in the case of private hire, on each side of the vehicle.

6.248. For clarity and ease of recognition, all licence plates will be of the specified size, shape and design outlined in **appendix D**.

NB: The licensing authority will allow some limited exemptions to these general requirements in accordance with the reasons and policies set out below.

6.249. Plate/badge numbers policy

6.250. To provide for the simple yet reliable identification of licensed vehicles, the licensing authority will issue a unique number which will correspond with the number of the vehicle licence (where granted) that will be used on all licence documents and plates. Subject to the policies detailed below, the number given will be issued on a first-come, first-served basis. However, numbers may be recycled for use once surrendered by the current user.

6.251. Customisation of plate/badge numbers

6.252. The licensing authority recognises that drivers and vehicle proprietors sometimes like to personalise the plate number that they are assigned (e.g., to match their vehicle call sign, radio number or vehicle index etc). Therefore, the licensing authority will offer numbers within the current range that are available for use, only where this is requested at the time of the application.

6.253. In recognition that some plate/badge numbers can be sensitive and/or perceived as offensive (e.g., 911, 666 etc), the licensing authority will seek to avoid issue and, where appropriate, to subsequently withdraw (on renewal or on exchange for an alternative) any vehicle plate/badge numbers that may reasonably be considered offensive.

6.254. Colour of vehicle plates/badges

6.255. To distinguish one type of vehicle from another, the licence plates / badges of hackney carriage and private hire vehicles will be printed in different colours.

6.256. 'Pre-booked only' side plates for private hire vehicles

6.257. As private hire vehicles cannot be hired immediately through the driver and may otherwise look like an ordinary vehicle, the licensing authority considers it important for public safety that the following details be provided on approach to any private hire vehicle offering a public service. For these reasons, the licensing authority will require them to prominently display on each side of the

vehicle, a sign (so-called 'side plates') of specified size, shape and design (see **appendix D**) that clearly –

- (a) Identifies the relevant vehicle plate number (i.e., licence number: XXX);
- (b) identifies the relevant licensing authority, and
- (c) specifies the words 'Advance bookings ONLY' (or similar).

6.258. However, we recognise that some businesses may prefer to use their own corporate vehicle branding rather than display licensing authority side plates. As such, the licensing authority may, where appropriate, and subject to the requirements concerning advertising, exempt private hire vehicles from the display of licensing authority designed side plates in favour of corporate branding / side plates, but only where the details listed above are –

- (a) prominently displayed on each side of the vehicle, is clear to read, and obviously stands out despite any other information e.g., operator name, telephone number
- (b) displayed in a suitable font that is, where appropriate -
 - (i) with respect to the vehicle plate number and licensing authority details, no less than 30mm in height; or
 - (ii) with respect to the 'Advance bookings ONLY' sign, no less than 20mm in height.

6.259. Roof mounted signs

6.260. Hackney carriages must carry and display or otherwise be fitted with a roof mounted 'Taxi' or 'for hire' sign (or similar wording) that is clearly visible when the vehicle is available for hire both by day and night. To avoid claims of illegally plying for hire (e.g., in another area for which the vehicle is not licensed), the design must be such that any illumination can be switched off independently of any other vehicle system when the vehicle is hired or not in use as a taxi.

6.261. To avoid any confusion with a hackney carriage, the licensing authority will seek to ensure that private hire vehicles do not employ, display or otherwise have affixed –

- (a) any form of roof-mounted sign (whatever its wording).
- (b) any advertising, sign or other wording displayed on or in the vehicles that uses the words 'Taxi', 'Hackney', 'Cab', 'For Hire' or similar.

6.262. Alternative arrangements for certain private hire vehicles

6.263. It is the view of the licensing authority that some private hire vehicles that provide limited, non-public driving services (e.g., executive chauffeur services, stretched limousines, vintage and other specialist vehicles etc) are -

- (a) self-evidently not a hackney carriage; and/or
- (b) do not need to be readily distinguished from a hackney carriage by the additional specific signage set out above.

6.264. The licensing authority believes that such services are usually exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.

6.265. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to offer private hire vehicles used to provide exclusively limited, non-public prestige / executive driving services an exemption from the requirements to display an external rear plate and side plates. However, so that any such vehicle can be identified as a licensed vehicle, the licensing authority will require, on condition, that a licence plate of specified size, shape and design (see **appendix D**) be clearly displayed in the front windscreen of the vehicle.

6.266. For clarity and distinction between different categories of vehicles, this alternative arrangement shall not apply to any private hire vehicle that undertakes any general public work or school contract work.

6.267. Advertising on licensed vehicles

6.268. The licensing authority recognises that advertising on and within licensed vehicles can provide a valuable income stream to the vehicle proprietor, and will, subject to the following, permit suitable advertising to be –

- (a) wrapped around the vehicle body (i.e., on all sides); and/or
- (b) displayed within the passenger compartment.

6.269. However, by way of further distinction between hackney carriage and private hire vehicles, and by way of providing clarity to the side plates required on private hire vehicles, the licensing authority will not permit any advertising on the exterior of any private hire vehicle, other than suitable corporate branding of the operator concerned.

6.270. For reasons of driver and public safety, the licensing authority will not permit any advertising material, corporate branding, or any other medium that –

- (a) interferes with any equipment fitted to the vehicle (including the vehicle electrics and wiring etc).
- (b) interferes with any vehicle design features such as methods of fixing, brake cooling vents, tyre inflation valve or with any wheel balancing dynamics or steering operation,
- (c) obscures any vehicle lights or 'For Hire' sign,
- (d) creates any safety hazard (e.g., non protected screens, headroom hazards etc).
- (e) uses or emits audio.

6.271. Further to the above, and by way of -

- (a) preventing any reduction to driver visibility (and therefore any impact on driver and public safety) and
- (b) ensuring maximum visibility into and throughout the vehicle (for the benefit of driver and public safety).

the licensing authority will not permit **any** advertising, corporate branding, or any other material, other than that which is required by law or on condition of licence, to be displayed on, or otherwise obscure any windscreen, window, or mirror.

6.272. In recognition that the nature, design, and content of some advertising can affect the visibility and clear distinction of other relevant signage, the licensing authority will not permit any advertising (including corporate branding) that obscures or confuses the visibility, legibility, clarity, or distinction of –

- (a) the vehicle licence plate.
- (b) the vehicle registration number.
- (c) any vehicle side plates or signwriting.
- (d) any fare(s) summary information required to be displayed by law or on condition of licence or
- (e) any other notice required to be displayed by law or on condition of licence.

6.273. In recognition that some forms of advertising can be misleading and/or inappropriate etc, the licensing authority will, where appropriate, expect and require, on condition, that –

- (a) nothing shall be displayed on or in a vehicle advertising, tobacco products, alcohol, contraceptives, sex shops, sex articles or sex-related products or services, gambling activities or which contains nudity.
- (b) no advertisement be displayed in relation to race, religion or anything that may reasonably be offensive.

6.274. Given the above and the discretion afforded in vehicle advertising, the licensing authority reserves the right to require any advertisement it deems unsuitable to be removed where appropriate.

6.275. Use of vehicles by third-party drivers

6.276. Proprietors should ensure that any driver(s) is fully aware of all of the vehicle facilities, especially in relation to the deployment of ramps and the use of straps for securing a wheelchair in the vehicle, and that they are competent enough to carry out the basic maintenance checks required. Where a vehicle is used by more than one person the proprietor should ensure that the checks are carried out by one or all of the drivers.

6.277. The licensing authority will require vehicle proprietors on condition, where there are multiple drivers of the vehicle, to keep a written record of when each driver uses the vehicle, in order to identify the relevant driver in the case of complaint, driving offences etc.

6.278. Vehicle transfer arrangements

6.279. In recognition that vehicle licensing requirements will have previously been met and, by way of assisting existing and prospective vehicle proprietors, the licensing authority will, subject to the following, permit the transfer of interest in a licensed vehicle together with the unexpired portion of the vehicle licence to another person who consents to the transfer. For safety and audit trail reasons, such transfers will be subject to the following requirements; namely –

- (a) Suitable proof of sale/transfer.
- (b) A suitable DBS certificate for the new vehicle proprietor.
- (c) a suitable policy of insurance of the new vehicle proprietor/driver(s) and
- (d) an updated V5C (given the delay in receiving these, where all other documentation is provided the licence will be transferred without this, with a requirement to submit it on receipt).

NB: It should be noted that these requirements may be waived if the transferee (i.e., the new vehicle proprietor) is already registered on the relevant vehicle licence as a person having a financial interest in the vehicle.

6.280. Accidents to & involving licensed vehicles

6.281. S50(3) of the Local Government (Miscellaneous Provisions) Act 1976 requires that the vehicle proprietor must, as soon as is reasonably practicable (and within 72 hours), notify the licensing authority of any accident to a hackney carriage or private hire vehicle causing any damage affecting the safety, performance or appearance of the vehicle, and/or the comfort or convenience of passengers.

6.282. In recognition that accident damage can impact both on driver and public safety, comfort and convenience, the licensing authority will –

- (a) expect all qualifying accidents to or including a licensed vehicle to be reported to it; and
- (b) take a serious view of any proprietor who fails, without reasonable excuse, to inform it of any qualifying accident/damage to their vehicle; particularly where they or an authorised driver continue to drive/operate the vehicle and/or derive a monetary benefit from their activities.

6.283. Assessment and determination of vehicle condition

6.284. By way of ensuring that vehicles continue to be safe, roadworthy, and eligible to be used as a licensed vehicle, it is the policy of the licensing authority to ensure that all licensed vehicles involved in a qualifying accident are -

- (a) suitably assessed in respect of the nature and extent of any damage done and
- (b) where appropriate, secured from further use until suitably repaired.

6.285. In recognition of the variable nature and degree of damage that can be incurred in vehicle accidents, the licensing authority will seek to inspect the vehicle and/or direct that the vehicle be subject to inspection and/or testing at a place and by individuals of its choice. Where this is not practical (e.g., the vehicle has already been taken to or recovered by a mechanic), the licensing authority will require suitable confirmation of the vehicle's condition and status. For this purpose, this may include an independent assessment of the nature and degree of damage done to the vehicle, whether the vehicle is salvageable (and to what extent), drivable and/or secure.

6.286. Where appropriate, the licensing authority has powers to suspend and/or revoke a vehicle licence, or otherwise allow the vehicle to continue in use. The licensing authority will have regard to -

- (a) the nature and extent of any damage.
- (b) the salvageable status of the vehicle.
- (c) the security status of the vehicle (i.e., whether accessible to/drivable by the vehicle proprietor or authorised driver).
- (d) the likely impact any damage may have on vehicle safety, performance or appearance.
- (e) the likely impact any damage may have on the comfort or convenience of passengers and

- (f) the length of time it may take to effect repair.

6.287. Temporary replacement vehicles for vehicles requiring repair

6.288. So long as all eligibility criteria and requirements are met, the licensing authority will, where appropriate, permit another vehicle to be temporarily licensed for up to 3 months as a short-term replacement for any licensed vehicle involved in an accident.

6.289. Temporary replacement vehicles may be licensed for longer than 3 months but only where there is a suitable business case and documentary evidence showing –

- (a) why the damaged vehicle cannot be repaired within the initial 3-month period.
- (b) why the damaged vehicle cannot be replaced and/or why other vehicles could not be used. and
- (c) when the damaged vehicle will be returned to service.

PART G

7. OPERATOR LICENSING

7.1. GENERAL

- 7.2. Any individual, company or similar who, in the course of their business, makes any provision for the invitation and acceptance of bookings for (i.e., to operate) a private hire vehicle must hold a private hire operator's licence.
- 7.3. A private hire operator may only operate a private hire vehicle that has been licensed by the same authority as the operator. Likewise, the private hire vehicle may only be driven by a private hire driver licensed by the same authority. All three licences (operator, vehicle and driver) must be issued by the same authority (e.g., RBC). This is known as 'the three-licence rule'. This does not however prevent a licensed private hire operator sub-contracting a booking to a private hire operator licensed with another authority.
- 7.4. A 'booking' includes an automated acceptance via a cloud-based system which does not require human intervention.

7.5. Private hire bookings & booking services

- 7.6. Despite the above, the licensing authority is of the view that those simply acting as the agent of a hirer (e.g., where a hotel books a cab for a guest) will not require an operator's licence but that some booking services (e.g., a service that finds and/or books private hire vehicles with an operator) may require a private hire operator licence. In determination of whether such services require an operator's licence, the licensing authority will therefore take into consideration –
- (a) The nature and extent of any advertising of the service.
 - (b) Whether in the absence of any advertising, the service would or would not work; and
 - (c) The nature and extent to which the service/function serves to make provision for the invitation or acceptance of bookings.

7.7. THE TERM & DURATION OF OPERATOR LICENCES

- 7.8. In accordance with the legislation, the licensing authority will, where appropriate, grant or renew a private hire operator's licence for a period of five years. However, the licensing authority may, using its discretion, grant operator licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.

7.9. ELIGIBILITY CRITERIA

7.10. Age of Operators

7.11. Providing they meet the eligibility criteria and application standards without restriction, the licensing authority will disregard the age (as an isolated consideration) of any applicant (or director of a business) in determining their suitability to hold a private hire operator's licence.

7.12. Nature of Operators

7.13. Subject to any other company-related policies and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will accept applications for a private hire operator's licence from individuals, businesses, partnerships and similar (i.e., companies).

7.14. For these purposes, businesses, partnerships and similar shall be taken to mean any body, organisation or arrangement that has been suitably formed, registered, and/or incorporated as a recognised legal entity in UK law.

7.15. Applicability of policies to businesses, partnerships and similar

7.16. However, and in recognition of their responsibilities, the licensing authority will, where the applicant is a business (or similar), apply its application requirements and criteria to each official / associate of the business, partnership (or similar) concerned.

7.17. For these purposes, an official of the business (or similar) shall be taken to mean any individual who has the right to exercise, or exercises, significant influence or control over the activities of the business concerned. This will include, but is not limited to company directors, the company secretary, partners and/or similar level trustees. The term 'official' shall be construed accordingly.

7.18. To ensure that information is up to date, and relevant checks can be carried out, the licensing authority will require on condition any licensed operator to notify it as soon as reasonably practicable, and in any case within 72 hours of any change to business officials / associates, and where new officials are identified will require submission of relevant documents for the individual(s) in accordance with the following requirements.

7.19. Given the potential implications of relevant checks not be carried out, the licensing authority will take a serious view of any operator failing to notify it of any change to business officials / associates.

7.20. Fit & Proper Person

7.21. By virtue of S55 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority has a qualified discretion as to whether to grant a private hire operator's licence. This states that the licensing authority cannot grant a

private hire operator's licence unless satisfied that the applicant is a **'fit and proper person'** to hold such a licence.

- 7.22. Although an operator does not drive members of the public (unless also holding a private hire driver's licence), the licensing authority notes that in making provision for the invitation and acceptance of bookings, a private hire operator will, in the course of their business, be subject to a significant amount of personal and sensitive information. This may include information about customer movement(s), location, holiday plans, and other information or circumstances that could be used or exploited for criminal or other unacceptable purposes. For example, knowledge of homes or property that may be left empty and vulnerable (i.e., public safety/protection).
- 7.23. Operators also often deal directly with the public over the telephone or face-to-face at the operator base or office and will usually be the first port of call in the event of customer complaint, dispute and/or emergency. As a result, the licensing authority believes that the need for operators to be 'fit and proper' and the standards to be applied are just as important as they are for licensed drivers.
- 7.24. For these reasons, and as the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicant operators and existing licence holders are both safe and suitable on demonstration that they are and/or continue to be -
- (a) of suitable background, character, and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance).
 - (b) of suitable knowledge, experience, and skills to perform the duties of a licensed operator.
 - (c) suitably diligent in exercise of their operator services.
 - (d) suitably entitled and, where appropriate authorised, to live, work and/or perform the duties of a licensed operator in the UK and
 - (e) suitably insured to perform the duties of a licensed operator.
- 7.25. The licensing authority will also, where appropriate, seek to ensure that applicant operators and existing licence holders are both safe and suitable on demonstration that they -
- (a) have, implement, and continue to maintain suitable policies, procedures, systems and/or arrangements to effectively manage the activities of their operation or undertaking and
 - (b) have or employ, where appropriate, safe, and suitable staff in respect of their operation.

7.26. General requirements

7.27. S57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

7.28. In view of the above, the licensing authority considers the following as reasonably necessary for operator licensing purposes and will, where appropriate, require applicants and existing licence holders to provide, implement and/or maintain the following requirements in accordance with this policy -

- (a) suitable immigration and asylum status and/or work entitlement documents and checks.
- (b) a suitable declaration of application / licensed operator history.
- (c) a suitable criminal records disclosure.
- (d) certificate(s) of good conduct (or suitable equivalent documents).
- (e) suitable booking records, policies, procedures, and systems for the keeping of such records.
- (f) suitable certification of public and employers' liability insurance.
- (g) Suitable written policies / procedures in respect of –
 - (i) Customer care
 - (ii) Staff training
 - (iii) Determining suitability of non-licensed staff e.g., call handlers
 - (iv) Shift and fatigue management
 - (v) Complaints
 - (vi) Lost property
 - (vii) Safeguarding concerns
 - (viii) Equality / Disability requirements

7.29. Additional requirements for businesses, partnerships and similar

7.30. To ensure that applications are made by and, where appropriate, licences are issued to suitable accountable legal entities, the licensing authority will, where the applicant is a business, partnership or similar, require applicants to submit, in addition –

- (a) a suitable copy of the company memorandum and articles of association and
- (b) suitable records of any resolutions passed at any time that affect the constitution of the company

Where a company is registered with Companies House, the licensing authority will check information provided with the records available from Companies House.

- 7.31. Where a company is registered with Companies House, the licensing authority will check information provided with the records available from Companies House. The licensing authority expects that all relevant updates are made to Companies House, and all documentation matches. Where there are discrepancies, this may result in suspension, revocation and/or refusal of the licence.
- 7.32. The above matters should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.

7.33. CONDITIONS OF OPERATOR LICENCE

- 7.34. S55 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a private hire operator's licence as may be considered reasonably necessary. Whilst there are a number of conditions detailed in this policy that will apply, the licensing authority will attach any other conditions deemed appropriate to the type of business that the operator intends to carry out, and any other conditions as a result of information obtained throughout the licensing process, licensed history of the operator and/or its business associates and known local issues.

7.35. Determination of fitness and propriety

- 7.36. In considering whether an operator applicant or licence holder is and/or remains fit and proper, the licensing authority will pose and seek to address the following question (or similar); namely –

‘Without prejudice, and based on the information before me, would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes, and allowing a family member to travel in a vehicle operated by them?’

- 7.37. If, on the balance of probabilities, the answer to the above question (or similar) is 'no', the licensing authority will take the view that the applicant operator and/or licence holder should not hold or be given a private hire operator's licence. In these circumstances, the licensing authority will suspend, revoke or refuse the licence as may be appropriate.
- 7.38. Being grounded in civil law, the licensing authority recognises that all licensing decisions on the suitability of an applicant or licence holder are made on the balance of probability. In recognition that licensing primarily concerns safeguarding of the public, the licensing authority will take this to mean that an applicant or licence holder should not be given 'the benefit of the doubt'. Furthermore, in borderline cases, where it is considered 50:50 as to whether an applicant or licence holder is suitable, the licensing authority will also take this to mean that the applicant or licence holder should not hold or be given a private hire operator's licence.
- 7.39. In all cases, the onus will rest with the applicant to prove their fitness and propriety to hold a licence to the satisfaction of the licensing authority.

7.40. Policies, standards and relevance of fitness & propriety requirements

- 7.41. In respect of immigration / right to work documentation, statements of good conduct and previous licensed history, the general policies and requirements that the licensing authority will apply to operator licensing are similar to that for driver licensing. For this reason, the policies, considerations, and requirements set out in Part 4 in those regards will, subject to the following, apply to operator licensing. For this purpose, any references to hackney carriage and/or private hire driver's will, subject to the following, also be taken to include a reference to private hire operators.

7.42. Criminal record disclosures

- 7.43. As recommended best practice by the DfT, it is the policy of the licensing authority that all applicants (and, where appropriate, all directors or partners of any business applicant) must submit a suitable basic criminal records disclosure from the DBS at the point of each new application, on renewal and annually on condition of any licence issued.
- 7.44. However, as -
- (a) licensed drivers will ordinarily have undertaken and have provided an enhanced DBS disclosure for the purposes of obtaining a hackney carriage and/or private hire driver's licence, and
 - (b) during the term of their driver's licence the licensing authority will be aware of any infringements that would ordinarily appear on an enhanced DBS disclosure due to the DBS update service checks carried out,

... it is the policy of the licensing authority to exempt any individual operator applicant or business associate, who themselves hold a current driver's licence with the licensing authority from the requirement to provide another disclosure.

7.45. The DBS update service does not apply to basic checks, therefore, to ensure notification of any change to an applicant's criminal record, the licensing authority will, in addition to any other requirements, require, on condition of any licence granted, any licensed individual or business associate to –

(a) formally notify the licensing authority, within 48 hours of any investigation, arrest and release, charge, caution, or conviction; regardless of whether any of these arise or occur in the UK or abroad. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.

7.46. As it may prevent the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition, particularly where they operate and derive a monetary benefit from their activities. In particular, the licensing authority may consider failure to comply with this condition as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the initial allegation, investigation, circumstance, or case concerned.

7.47. HMRC tax check

7.48. It is a legal requirement that any applicant for a private hire operators licence (whether on first-time grant or renewal), who has held the same type of licence at any time in the preceding 12 months, with any licensing authority, carries out a tax check. Information on how to do this is available at [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

7.49. Completion of the check will generate a 9-digit code which the applicant must provide to the licensing authority, which enables them to confirm the check. In accordance with the legislation, the licensing authority will not grant a licence without having received the code and confirmed the tax check, unless the applicant has tried to carry out the tax check for 5 consecutive days, has been unable to do so because the service is unavailable, and the licensing authority can confirm that the service was unavailable.

7.50. Public & Employers Liability Insurance

7.51. As private hire operators carry contractual responsibilities with their customers (e.g., to ensure that vehicles are punctual and get passengers to the airport on time etc) and may provide facilities to the public as part of their daily business (e.g., waiting rooms, toilets etc at the taxi office), the licensing authority will, require applicants to provide and maintain a suitable policy of public liability insurance, covering a minimum of £5million. Such insurance must adequately cover any damage, loss, or injury to any third party (e.g., customers and other

members of the public) or property that may arise during the course of an operator's business and day to day activities.

- 7.52. Where an operator intends to or employs individuals the licensing authority will require applicants to provide and maintain a suitable policy of employers liability insurance.

7.53. Booking Record Requirements

- 7.54. S56(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that licensed operators must keep a record of such particulars of every booking of a private hire vehicle invited or accepted by the operator concerned as may be prescribed by the licensing authority. Such particulars must be entered into a suitable booking record system **before** the commencement of each journey.

- 7.55. To enable suitable and sufficient investigations to be carried out if anything should happen to a passenger or driver, to assist with the recovery of lost property and, where a complaint is made, the licensing authority will require, on condition, licensed operators to keep the following records -

- (a) the name of the hirer.
- (b) the pick-up point.
- (c) the destination.
- (d) the date **and** time the private hire vehicle is required.
- (e) the date **and** time that the booking was made.
- (f) the fare quoted for the journey (where this is determined by taximeter and not agreed at the time of booking – the fare paid for the journey should be added to the record once the journey has been completed).
- (g) If the booking is sub-contracted from or to be sub-contracted to another operator, that operators' details (trading name, contact details and licensing authority) and
- (h) The name of any individual who responded to the booking request and/or dispatched the vehicle.

- 7.56. Where an operator's business is no individual bookings e.g., school contracts only, the licensing authority will amend the condition to suit the nature of the work and require journey / contract details to be kept as appropriate.

- (a) In addition, and to identify the vehicle that was used and the driver who was driving it at the time, the licensing authority will, on condition, and on exercise of S56(3) of the Local Government (Miscellaneous Provisions) Act 1976, also require licensed operators to record the details of the vehicle and the driver who carried out the booking / contract.

7.57. To provide a reasonable timescale for enquiry and to facilitate suitable investigation, the licensing authority will, on condition, require all booking records to be retained for a period of not less than 6 months from the date the hiring was executed, or in the event the hiring was not undertaken, from when the booking was made.

7.58. Vehicle and driver licence records

7.59. To ensure compliance with S56(3), in the use of licensed vehicles and drivers, the licensing authority will require, on condition, that an operator holds a copy of both the private hire vehicle licence of any vehicle that he is operating and the private hire driver's licence of any driver who is driving such a vehicle.

7.60. Policies, procedures and related requirements

7.61. To demonstrate that they have suitable arrangements in place, the licensing authority require applicants and licensed operators to produce, maintain and implement suitable policies and/or procedures, details as to what the policies are expected to cover as a minimum are providing in the following sections. The licensing authority will require these policies to be submitted on application for first time grant or renewal, and to be maintained on condition of licence.

7.62. The licensing authority may request review of these policies and evidence that they are being adhered to at any time.

7.63. Customer care

7.64. Customer care is key to both an operator's business to encourage repeat custom, and to ensuring that relevant safety and service standards are met. Therefore, operators should have policies and procedures in place, to ensure that customers are aware of the standard of service they provide, and drivers and other staff are aware of the expectations of them in providing that service.

7.65. Staff training

7.66. All staff / contractors should be provided with suitable and sufficient training to enable them to carry out their role safely and in accordance with the procedures in place. Operators should have a policy that specifies the relevant training for each role, and how often this should be refreshed. The licensing authority will require on condition written records to be kept for a minimum of 3 years, of all staff training and refresher training, which details who was trained, what the training covered, who delivered the training and where appropriate copies of certificate of attendance.

7.67. Given the relevance of safeguarding awareness detailed in the driver section of this policy and in recognition that often the staff working in the office / taking bookings will have a better awareness than drivers of patterns of bookings and will have direct contact over the phone, email etc. with customers, the licensing authority will require on condition of any operator's licence which authorises

bookings for general public work, that all staff who are not licensed drivers, on commencement of the role and every 3 years thereafter, to attend a safeguarding awareness course specifically designed for the taxi trade. For this purpose, the licensing authority will accept the Blue Lamp Trust (BLT) Taxi Safeguarding Classroom course, or RBC's Taxi Safeguarding course (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

7.68. Determining suitability of non-licensed staff

7.69. Sensitive and personal information regarding customers is not only available to the operator themselves, but also to staff employed as drivers, call handlers and administrative staff. Whilst licensed drivers and business associates go through checks in accordance with this policy, to ensure that they are fit and proper persons, there is no licensing mechanism for other staff members.

7.70. To ensure that the people that have access to this information are suitable the licensing authority will require licensed operators on condition to require a basic DBS check for all staff who are not a named business associate on the operator's licence, or a licensed driver with the licensing authority, on initial application. The operator must have a policy in respect of determining suitability of those staff, which details as a minimum how they will use and make employment decisions based on information provided by the DBS check. The policy is expected to be consistent with the convictions policy at Appendix C in respect of licensed operators.

7.71. To ensure that compliance with this can be evidenced, licensed operators will be required on condition, to keep a register of all staff who take bookings, dispatch vehicles or have access to booking records. This register should detail when a basic DBS disclosure has been seen. Records in respect of an individual must be kept throughout the time of their employment and for a minimum of 6 months thereafter.

7.72. To ensure that up to date information is received in respect of all staff on the register, licensed operators will be required on condition to include as part of the employment contract a requirement for staff to notify the operator of any conviction during their employment.

7.73. Shift and fatigue management

7.74. The licensing authority recognises that often licensed drivers are self-employed and not contracted to work specific hours. The nature of the work means that the more hours they work the more they are likely to earn. However, the dangers of driving when tired are well publicised, and may be a significant risk to public safety. Therefore, the licensing authority expects licensed operators to have a policy to appropriately manage the hours that licensed drivers work, to reduce the risk.

7.75. Complaints

7.76. On some occasions, passengers and other road users may feel it necessary to complain about a service provided to them by an operator, driver or about a vehicle. In recognition that often the first point of contact for this complaint will be the operator with who the booking was made, the licensing authority requires licensed operators to have a policy / procedure as to how they will deal with complaints.

7.77. As complaints can often provide relevant information regarding the service provided, compliance with licence conditions and legislative requirements, and the fitness and propriety of drivers, vehicle proprietors and operators, the licensing authority will require, on condition, licensed operators to keep written records of all complaints received, which include as a minimum –

- (a) details of the driver / vehicle concerned.
- (b) the details of the complaint.
- (c) the complainant.
- (d) any action taken as a result.

7.78. To allow the licensing authority to investigate any relevant complaints in a timely manner, operators will also be required on condition to submit their complaint records for the previous 7 days to the licensing authority every Monday by 12.00pm.

NB: As the data controller, it is a matter for the operator as to whether they have the appropriate requirements in place to share the complainant's personal information with the licensing authority. If this is not in place, the licensing authority will accept a redacted copy of the complaints log.

7.79. Nothing in the above requirements stops an operator from escalating a complaint that they believe should be investigated by the licensing authority due to the nature of the allegation, at the time that it is received.

7.80. Where the licensing authority receives a complaint directly, or otherwise feels that it is appropriate to further investigate a complaint, or pattern of complaints, they may contact the operator for further information, and expect them to assist in the investigation.

7.81. Given the potential implications of the licensing authority not being able to appropriately investigate and take action, a serious view will be taken of any operator failing to comply with the condition, or otherwise obstructing an investigation without reasonable excuse.

7.82. Lost property

7.83. The licensing authority recognises that often property will be left in licensed vehicles. As the operator takes the booking, and is therefore easily identifiable to the passenger, they are often the first point of contact for passengers looking to locate lost belongings. Lost belongings can often be valuable e.g., mobile phones etc. To ensure lost property is appropriately dealt with, the licensing authority will require licensed operators to have a suitable policy / procedure which includes as a minimum –

- (a) How lost property will be securely stored.
- (b) Steps to be taken to try to identify and reunite property with its owner.
- (c) Records to be kept of lost property and who claimed it.
- (d) The procedure for dealing with uncollected lost property.

7.84. Safeguarding concerns

7.85. Given the importance of safeguarding and the role that both drivers and operators play in reporting concerns, the licensing authority requires licensed operators to have a policy / procedure for dealing with and reporting safeguarding concerns identified by them and / or their staff.

7.86. Equality / disability requirements

7.87. In recognition of the Equality Act duties on private hire operators, the licensing authority requires licensed operators to have suitable written policies / procedures in place to ensure compliance with these duties.

7.88. PCV Drivers and Vehicles used for bookings

7.89. The licensing authority recognise that some licensed private hire operators also operate public service vehicles (PSV's) driven by licensed PCV drivers. Given that the checks for these licences may not be as stringent as those for private hire vehicles and drivers, the use of PSV's and PCV drivers for a private hire booking is not permitted without the informed consent of the booker, who must be told that the checks are not the same and do not include an enhanced DBS check.

7.90. Association with drivers

7.91. So as to satisfy itself that individual drivers are covered by all relevant and suitable insurance and receiving bookings in accordance with the legislation, the licensing authority will require, on condition, each operator to notify it, as soon as is reasonably practicable, of the start and/or finish date of its use of and/or association with any individual driver.

7.92. Operating Base

7.93. The practical effect of the requirement to hold an operator's licence is that the operator must have premises from which to control and direct one or more private hire vehicles. On grant or renewal of an operator's licence the licensing authority will therefore specify the address(es) from which the operator may operate (i.e., the licence is address specific). The operating address is not transferable between premises or different addresses and a new operator's licence will be required where there is any change of operating address. Operating from different premises than those specified on an operator's licence is unlawful, could create enforcement difficulties and result in the operation being unlicensed.

7.94. The licensing authority will only licence operators who operate and make provision for bookings from an address within the Rushmoor district. An inspection will be carried out at the operating address on application for first time grant and renewal. In addition to looking at relevant records and suitability of a location as an operating base, the licensing authority will also expect the following at an operating base –

- (a) Access to the premises, with the applicant or one or more of the named business associates present.
- (b) The ability to access all records from the base including booking records, complaint logs, training records, driver and vehicle records, policies, and procedures.
- (c) Secure storage of personal data.
- (d) Where the operator advertises a landline telephone number for bookings, that line to be at the operating base.

7.95. The licensing authority recognises that an operator may have multiple offices / operating bases in different local authority areas, and that the nature of the private hire trade often means that phone lines may be diverted to allow for mobile working and flexibility outside of office hours.

7.96. By way of ensuring that proper regulation and enforcement measures can be taken, the licensing authority will require, on condition, access to any operator premises at any reasonable time for the inspection of records and vehicles etc.

7.97. In recognition that planning consent may be required for a private hire operation, the licensing authority may notify the planning authority of any application for a private hire operators' licence.

7.98. Private hire operators operating hackney carriages

7.99. The licensing authority recognises that many private hire operators will also operate hackney carriages and utilise these for bookings. Whilst there is no mechanism in law to licence a hackney carriage operator, where a licensed

operator does so, for consistency and to ensure appropriate processes are in place, the licensing authority expect all operator licence and legislative requirements to be in place in respect of the hackney carriage vehicles, drivers, and bookings it operates.

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PART H

8. SCHEME OF HACKNEY CARRIAGE FARES

8.1. GENERAL ARRANGEMENTS

8.2. S65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the licensing authority may set local hackney carriage fares for journeys within its area by means of a table or scheme of fares.

8.3. There is no similar power to set the fares charged by private hire vehicles. The charges levied by Private Hire operators and drivers are entirely a matter for negotiation and form a private contract between the hirer and the operator. However, where a private hire vehicle is fitted with a taximeter, the taximeter must be tested and approved by or on behalf of the licensing authority which issued the relevant vehicle licence.

8.4. Frequency of review

8.5. To ensure currency, economic viability, and incentive to provide taxi services, it is the policy of the licensing authority that the scheme of hackney carriage fares be subject to review a minimum of every 2 years. A review may result in no change to the scheme of fares. The fare scheme may be reviewed at any time where it is deemed appropriate.

8.6. Nature of review

8.7. Where appropriate, the licensing authority may review, in whole or in part, the structure, costs and/or any feature of the extant scheme of fares (e.g., unit costs, distances travelled, time periods, chronology, calendarisation and any additional permitted extras etc).

8.8. Relevant considerations

8.9. In reviewing the scheme of fares, the licensing authority will have regard to, but not be bound by the following considerations –

- (a) the needs of the travelling public.
- (b) what may be reasonable to expect people to pay.
- (c) the need to provide sufficient incentive to provide a taxi service when it is needed.
- (d) the available supply of and demand for taxi services.

- (e) any graduation of the above by time of day, day of the week, seasonal variation and/or on special occasions etc; and
- (f) the practicality of proposed fare scheme arrangements.
- (g) the costs of fuel and other requirements, and the need for drivers to earn a suitable living.

NB: These considerations should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

8.10. To inform any fare review and take account of relevant issues, the licensing authority will seek to liaise with representatives of the taxi trade as part of any fare review, and before formal public consultation takes place.

8.11. Specific Fare Issues – Fouling Charge

8.12. In recognition that taxi drivers, vehicle proprietors and operators may incur both loss of earnings and costs in cleaning vehicles that may be fouled by customers and/or their accompaniments (e.g. belongings, shopping / food, dogs etc), the licensing authority will allow drivers to levy a fouling charge where any fouling renders the cab unfit for future hire.

8.13. As the nature and degree of fouling may vary, the licensing authority will normally specify the maximum amount that may be levied as a fouling charge but allow drivers to exercise some discretion of the actual amount charged (up to the maximum permitted). However, in an effort to prevent abuse and ensure transparency of any such charge, the licensing authority will expect any driver that levies a fouling charge to be able to justify –

- (a) why the charge was levied, and
- (b) the amount of the charge so levied.

8.14. As drivers are expected to be persons of trust, the licensing authority will, where appropriate, take a serious view of any taxi driver that cannot reasonably justify the levy of any fouling charge. In consideration of what may be reasonable in the circumstances, the licensing authority will have regard to -

- (a) the nature, type, and degree of soiling to the vehicle.
- (b) the extent to which the vehicle was rendered unfit for future hire.
- (c) the reasonable time it took / would likely take to suitably clean the vehicle.
- (d) the reasonable costs of materials and, where appropriate, other services including professional cleaning if required to suitably clean the vehicle, and

(e) the amount that the driver may reasonably have earned over the period the vehicle was off the road for cleaning if it were otherwise available for normal taxi work.

8.15. In view of the above, the licensing authority expects any driver who levies any fouling charge to exercise due diligence by taking and retaining suitable photographs of the nature and extent of the soiling involved, and maintaining suitable records of the time, costs and materials needed to subsequently clean the cab to a suitable standard.

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PART I

9.TAXI LICENSING FEES & CHARGES

9.1. General philosophy

- 9.2. By way of protecting the public funds it administers and ensuring that costs are not incurred on the public purse, the licensing authority will, where it is entitled to do so, seek to (re)cover all the costs incurred in administration and enforcement of the various taxi licensing regimes. As such, the licensing authority shall seek to ensure, so far as is reasonably practicable, that the various taxi-licensing regimes are self-financing.
- 9.3. In recognition of the laws regulating the fees and charges that may be levied, the licensing authority will, where appropriate, recoup all relevant costs through separate application and enforcement fees. For these purposes, application fees will include all relevant and reasonable costs incurred with the procedures and formalities of the licensing scheme concerned. Enforcement fees may include compliance and/or enforcement costs, together with any other reasonable costs incurred in administration and running of the licensing scheme but not included in the application fee.

9.4. Fees

- 9.5. By way of covering the costs associated with any licence application, the relevant application and maintenance fee shall be payable by credit or debit card, in full on grant / renewal of a licence. Failure to submit the correct fees will render the application invalid/void.
- 9.6. The fees payable on grant will be the standard application fee and the enforcement fee relevant to the duration of the licence granted, in accordance with the Council's list of fees and charges that is in force at the time the licence is issued.
- 9.7. Third-party charges (e.g., medical advisor) and service fees incurred as a consequence of the application (e.g., knowledge test charges) may also separately apply, are entirely separate from any application or enforcement fee and will be payable at the time that the relevant service is booked or required. The relevant service will not be provided until such time as payment of the relevant fee is made.
- 9.8. As fees and charges are subject to regular review and may be increased during the financial year, licences issued after any specified date of increase will require payment of any new charge levied. This shall apply regardless of when an application is made. A current list of fees and charges will be made available on the Council's website.

9.9. Pro rata payments

9.10. In covering the costs of work associated with any application, the licensing authority will not pro-rata any application fee(s). However, where any licence is limited or extended beyond the usual term or duration of issue in accordance with this policy document, the licensing authority will, charge a pro-rata enforcement fee based on the standard enforcement fee applicable to the relevant licence concerned.

9.11. Third party fees and charges and service fees

9.12. Where third-party fees and charges are applied and/or paid, all associated costs are to be borne by the applicant.

9.13. Regardless of whether or not it handles any monies or transactions for and/or on behalf of the applicant and/or any third party (e.g., medical advisor), the licensing authority will treat third party fees and charges entirely separately and as a transaction between the applicant and third party concerned. The licensing authority will not therefore, refund any third-party costs should any licence application be refused. In all cases, third party fees must, where appropriate, be paid at the time they are due.

9.14. Where service fees are incurred and payable to the Council because of any part of an application (e.g., knowledge test, safeguarding training), the licensing authority will treat them entirely separately from the application and enforcement fee. Payment will be required at the time of booking the relevant service and will be non-refundable.

9.15. Reimbursement

9.16. By way of covering the costs of the work associated with any licence application, fees (or any part thereof) will not be reimbursed should any licence be unexploited or otherwise be surrendered at any time.

9.17. Dishonoured payments

9.18. Where any means of payment for any fee or charge is dishonoured or otherwise contested in any way, the licensing authority will, where appropriate, treat any application for, and any licence granted in consequence, as being invalid or void.

APPENDIX A

10. CONSULTATION

10.1. The following individuals, bodies and organisations have been consulted on this policy document.

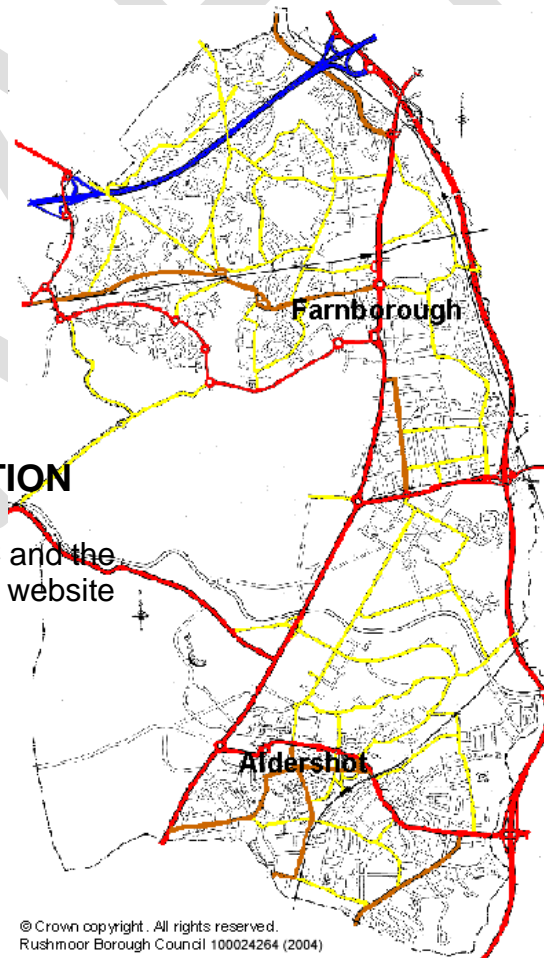
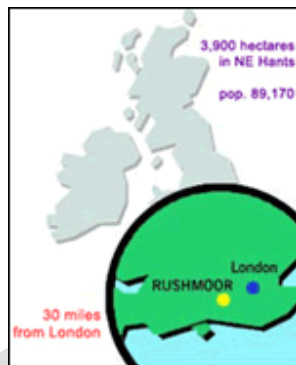
All licensed hackney carriage drivers
All licensed hackney carriage proprietors
All licensed private hire drivers
All licensed private hire operators
All licensed private hire vehicle proprietors
RBC Environmental Health (Pollution & Health & Safety)
RBC Community Safety
RBC Legal Services
RBC Planning Services
RBC Traffic Management
RBC Corporate Governance & Audit Standards Committee Members
Rushmoor Accessibility Action Group (RAAG)
Hampshire County Council (HCC) School Transport Team
HCC Highways
Trading Standards & Consumer Protection
Hampshire Constabulary: Licensing Officer
Hampshire Constabulary: Roads Policing Unit
South Western Railway
Cab Direct / Allied Vehicles
Jubilee Automotive Group
London Taxi Company
Voyager MPV Ltd.
KPM UK Taxis Plc
The Council's Medical Advisor
The Campaign for Better Transport
Hampshire Chamber of Commerce

APPENDIX B

11. THE BOROUGH OF RUSHMOOR

11.1. OVERVIEW

- 11.2. Situated in the north-east corner of Hampshire between the towns of Camberley, Guildford, Fleet and Farnham, Rushmoor is located in the Blackwater Valley and includes the towns of Farnborough and Aldershot and a number of outlying villages.
- 11.3. Only 30 miles from London, the Borough covers an area of 15 square miles (3,900 hectares) of a mainly residential and varied light industrial mix. It is home to the British Army and has a domestic population of approximately 90,000 (2001 estimate).



11.4. ADDITIONAL INFORMATION

- 11.5. Further information about RBC and the borough can be found on our website www.rushmoor.gov.uk.

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APPENDIX C

12. POLICY ON THE RELEVANCE OF CONVICTIONS & OTHER ISSUES

12.1. Introduction

- 12.2. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the timescales below are intended to reduce the risk to the public to an acceptable level.
- 12.3. Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 12.4. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest, and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 12.5. This policy specifies how the licensing authority will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. Each case will be considered on its own merits in the light of this policy.
- 12.6. In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 12.7. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 12.8. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 12.9. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.

- 12.10. In determining safety and suitability the licensing authority is entitled to consider all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 12.11. S57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.
- 12.12. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
- 12.13. In recognition that they can only be imposed following an admission of guilt and that this is equivalent to a guilty plea on prosecution, a caution will be regarded in the same way as a conviction.
- 12.14. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be considered by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction, or where there are indicators of that type of behaviour that may not be a criminal offence e.g., dishonesty.
- 12.15. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of this policy and the circumstances of the case, however the policies in respect of convictions will apply to both current licence holders and new applicants.
- 12.16. In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each case will be determined on its own merits, in the light of this policy.
- 12.17. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 12.18. As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not solely be determined by a specified period

having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

- 12.19. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 12.20. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences.
- 12.21. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 12.22. Any dishonesty by any applicant, licence holder or other person on the applicant / licence holders behalf which is discovered to have occurred in any part of any application process (e.g., failure to declare convictions or other relevant information, false names or addresses) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.
- 12.23. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 12.24. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 12.25. Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use this policy as an indication of the approach that should be taken.
- 12.26. This policy does not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

12.27. Drivers

12.28. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

12.29. A driver has direct responsibility for the safety of their passengers and other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

12.30. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

12.31. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

12.32. Crimes resulting in death

12.33. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

12.34. Exploitation

12.35. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

12.36. Offences involving violence

12.37. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

12.38. Possession of a weapon

12.39. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

12.40. Sex and indecency offences

12.41. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

12.42. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

12.43. Dishonesty

12.44. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

12.45. Discrimination

12.46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

12.47. Drugs

12.48. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

12.49. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing to demonstrate that they are not using controlled drugs. This drug testing will be carried out by the licensing authority at a random time during the application process, and all costs associated with this will be borne by the applicant.

12.50. Motoring convictions

12.51. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

12.52. Drink driving / driving under the influence of drugs

12.53. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of a conviction for driving under the influence of drugs, any applicant will also have to undergo drugs testing to demonstrate that they are not using controlled drugs. This drug testing will be carried out by the licensing authority at a random time during the application process, and all costs associated with this will be borne by the applicant.

12.54. Using a hand-held device whilst driving

12.55. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

12.56. Other motoring offences

12.57. Where an applicant has 7 or more current points on their DVLA licence or where their DVLA licence has previously been disqualified for 'totting up' of points, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence / disqualification imposed.

12.58. Where an applicant has a conviction for any other motor offence not specifically detailed in this policy and disposed of in any way other than points on their DVLA driving licence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence / disqualification imposed.

12.59. Private Hire Operators

12.60. A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

12.61. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

12.62. The basic DBS check required for an operator shows only unspent convictions, therefore any conviction which is spent will not be taken into consideration when determining an application for a vehicle licence.

12.63. Any applicant with convictions related to, or who has any connection with exploitation, sexual offences or burglary will not be licensed.

12.64. Any current unspent conviction for an offence involving drugs, dishonesty of any kind, violence or specifically related to the role of a private hire operator will result in an application being refused.

12.65. Vehicle proprietors

12.66. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

12.67. Firstly, they must ensure that the vehicle is always maintained to an acceptable standard.

12.68. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

12.69. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

12.70. The basic DBS check required for a vehicle proprietor shows only unspent convictions, therefore any conviction which is spent will not be taken into consideration when determining an application for a vehicle licence.

12.71. Any applicant with convictions related to, or who has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, or any kind of sexual offence but this is not an exhaustive list.

12.72. Any current unspent conviction for an offence involving drugs, dishonesty of any kind, violence or specifically related to the role of a vehicle proprietor will result in an application being refused.

APPENDIX D

13. VEHICLE PLATES & BADGES

13.1. HACKNEY CARRIAGE PLATES

13.2. For clarity and ease of recognition, all licensed hackney carriage vehicles must display on the exterior, at the rear of the vehicle, a licence plate of the size, shape and design detailed in **Figure 1** below.

13.3. For clarity and ease of recognition, all licensed hackney carriage vehicles must display into the passenger compartment, an interior licence plate of the size, shape and design detailed in **Figure 2** below.



FIGURE 1 – EXTERNAL HACKNEY CARRIAGE PLATE					
	<table border="1"> <tr> <td>Height:</td> <td>7" (17.8cm)</td> </tr> <tr> <td>Width:</td> <td>9½" (24.2cm)</td> </tr> </table> <p>Other Features:</p> <ul style="list-style-type: none"> (a) Name / logo of licensing authority (b) Vehicle type (c) Plate number (d) Vehicle model (e) Vehicle registration (f) Expiry date (g) Number of passengers the vehicle is licensed to carry (h) Genuine hologram 	Height:	7" (17.8cm)	Width:	9½" (24.2cm)
Height:	7" (17.8cm)				
Width:	9½" (24.2cm)				

FIGURE 2 – INTERIOR HACKNEY CARRIAGE PLATE					
	<table border="1"> <tr> <td>Height:</td> <td>3¾" (8.5cm)</td> </tr> <tr> <td>Width:</td> <td>3½" (8.9cm)</td> </tr> </table> <p>Other Features:</p> <ul style="list-style-type: none"> (a) Name / logo of licensing authority (b) Vehicle type (c) Plate number (d) Vehicle model (e) Vehicle registration (f) Expiry date (g) Number of passengers the vehicle is licensed to carry (h) Genuine hologram 	Height:	3¾" (8.5cm)	Width:	3½" (8.9cm)
Height:	3¾" (8.5cm)				
Width:	3½" (8.9cm)				

13.4. PRIVATE HIRE VEHICLE PLATES

- 13.5. For clarity and ease of recognition, all licensed private hire vehicles must, unless otherwise exempt, display on the exterior, at the rear of the vehicle, a licence plate of the size, shape and design detailed in **Figure 3** below.
- 13.6. For clarity and ease of recognition, all licensed private hire vehicles must display inside the vehicle, an interior licence plate of the size, shape and design detailed in **Figure 4** below.
- 13.7. For clarity and ease of recognition, all licensed private hire vehicles must, unless otherwise exempt, display on an external door panel on each side of the vehicle, an external licence plate of the size, shape and design detailed in **Figure 5** below.
- 13.8. For clarity and ease of recognition, exempt licensed private hire vehicles must display in the front windscreen of the vehicle, a licence plate of the size, shape and design detailed in **Figure 4** below.


FIGURE 3 – EXTERNAL PRIVATE HIRE VEHICLE PLATE	
	Height: 7" (17.8cm)
	Width: 9½" (24.2cm)
Other Features:	
(a) Name / logo of licensing authority	
(b) Vehicle type	
(c) Plate number	
(d) Vehicle model	
(e) Vehicle registration	
(f) Expiry date	
(g) Number of passengers the vehicle is licensed to carry	
(h) Genuine hologram	



FIGURE 4 – INTERIOR PRIVATE HIRE VEHICLE PLATE	
	Height: 3¾" (8.5cm)
	Width: 3½" (8.9cm)
Other Features:	
(a) Name / logo of licensing authority	
(b) Vehicle type	
(c) Plate number	
(d) Vehicle model	
(e) Vehicle registration	
(f) Expiry date	
(g) Number of passengers the vehicle is licensed to carry	
(h) Genuine hologram	

FIGURE 5 – EXTERNAL PRIVATE HIRE SIDE PLATE

 <p>The image shows an oval-shaped side plate with a maroon border. The text 'PRIVATE HIRE VEHICLE' is written in white along the top inner edge, and 'ADVANCE BOOKINGS ONLY' is written along the bottom inner edge. In the center, 'RUSHMOOR BOROUGH COUNCIL' is written above the license number '0007'. Two small crests are positioned on either side of the license number. The background of the plate is white.</p>	Height:	8" (20.5 cm)
	Width:	13 ¹ / ₂ " (34.3 cm)
<p>Other Features:</p> <ul style="list-style-type: none"> (a) Name / logo of licensing authority (b) Plate number (c) Vehicle type (d) Advance booking only signwriting 		

APPENDIX 2

Key recommended policy changes – Taxi Licensing

Current policy	Recommended policy	Justification
No review timescale	Maximum of 5 yearly review	To be consistent with Licensing Act 2003
Nil	12 month period for existing licence holders to comply with any additional requirements. Licences to be suspended if not completed within this period.	Some changes will come at cost and take time for existing licence holders to complete, whilst it is right and in accordance with DFT guidance that they are brought to the same standard as new applicants it is reasonable to allow a time period to do this, however there needs to be a deadline, and a response if they fail to do so
Nil	Email address must be provided	This is the most cost effective and quickest way of communicating with applicants and licence holders and provides for an audit trail
No limit	A time limit for applications of 3 months, if all submissions not made within this period application will normally be refused – with a repeat application not accepted until 6 months have passed from refusal.	Applicants particularly for new driver licences often take a lot of time to meet and submit all the requirements and don't get in touch for long periods of time meaning that we have open applications on our system for a prolonged period. For drivers we get no payment for processing the application unless it is granted (in accordance with the legislation). This should encourage people to apply only when they are ready to commit to the process, and where they have not been able to meet the standards in that time period, to take time to prepare before re-applying.
Only original paper documents accepted	To allow electronic submission other than for criminal record checks and identity documents	Electronic documents were accepted by necessity during COVID and there are no known issues as a result. Streamline and efficiency of processing. More and more documents are provided electronically now e.g. insurance, training certificates. Documents can be verified where there are any concerns.
Nil	Maximum time before expiry that a renewal application can be made	To ensure that time-limited documents do not expire as a result of an application being made too early
Nil	Requirement to provide proof of residential address	It has come to light that some drivers have been using an address which is not their correct residential address – in some cases there have been concerns over benefit fraud. Evidence of address will

		ensure that we can identify any issues before licensing someone and at the earliest opportunity
Nil	On driver and operator licence renewal requirement for a code to show that a suitable tax check has been carried out with HMRC	New legislative requirement from April 2022
Nil	Consult and add records to NR3 database	DFT guidance – and in preparation for new legislation which has not yet come into force
Documents proving right to work required	Added use of gov.uk online system to prove right to work where appropriate	New system that should be used where it is appropriate as quicker than any other option and Home Office recommended route
DBS's must be applied for by Rushmoor Borough Council	Whilst we have a provider we use, applicants can choose to use any body registered with the DBS	RBC are no longer a registered body to do DBS's directly. The DBS monitor all registered bodies and have the same requirements, therefore no reason not to give freedom of choice to applicants, as admin fees may vary, and they may do DBS's from other bodies. Also fits with the principle of the DBS update service.
Nil	Subscription to DBS update service required on application and to be maintained on condition, with checks to be done at no more than 6 monthly intervals. Requirement that where a check is carried out and it shows a change in record, the applicant / licence holder must apply for a new certificate within 48 hours, and provide consent to access update service.	In accordance with new DFT guidance. Also ensures that we are aware of any changes in criminal record during the life of the licence thereby allowing relevant investigation and action to be dealt with expediently. Increases speed of renewal, streamlines process and allows same DBS to be used for multiple agencies. Current provider offers these checks at fortnightly intervals but DFT guidance is 6 monthly. Update service will not provide record details, only tell us that something has changed – we need to get a new certificate with the detail ASAP so that we can determine whether any action should be taken in respect of the licence.
Statement of good conduct required where	Statement of good conduct required where have lived	In accordance with DFT guidance

have lived overseas for more than 6 months since age of 10	overseas for more than 3 months since age of 18, and now required for operators and vehicle proprietors	
If lived overseas with armed forces then military discharge / conduct report required in place of statement of good conduct	No statement of good conduct or military discharge / conduct report required if lived overseas with armed forces	Government guidance states that convictions when overseas with armed forces will show on PNC and therefore would be shown on DBS certificate therefore not required
Medicals on initial application, renewal following 45 th birthday, every 6 years thereafter until age 65 then annually	In accordance with the Group 2 medical standards	Whilst the original policy was based on the Group 2 medical standards it was not exactly the same and effectively allowed for up to 3 years additional licensing without a medical, we state that we comply with Group 2 medical standards which is in accordance with DFT guidance, therefore it is right that we follow the guidelines specifically. Also by changing policy to say as per Group 2 medical standards, if they change we do not need to make a policy change.
Medicals must be dated within 6 months	Medicals must be dated within 1 month of date of submission	Medical circumstances can change at any point – we are allowing a 3 month period for new applicants which means that even with a 1 month window the medical could be 4 months old at point of licensing. The longer gap the bigger the risk. It is reasonable that an applicant / licence holder can submit a medical to us within a month of having it done
No additional cost for medical advisor (included as part of licence fee)	Medical advisor costs are treated as a third party fee and payable by the applicant or licence holder to which they relate	To ensure full cost recovery (licence fee is only payable on grant by law, therefore if refused these costs are not currently covered). To ensure that applicants without medical issues are not paying for those who do have. We often get lacking medical information which results in multiple referrals to the medical advisor – we pay per referral. If the applicant / licence holder are responsible for covering this cost, this should encourage them to provide all relevant information in the first instance.

Nil	Ability to carry out both random and targeted drug and alcohol testing, policy to suspend or revoke where an applicant or licence holder refuses or has a non-negative result	There has been a demonstrable issue in the taxi trade identified during operations. Given the risk that driving under the influence of drugs or alcohol poses it is important that we are able to identify those who are putting the public at risk and take robust action
Nil	Introduction of a licensing laws, policies and conditions test	Often licence holders breach conditions of their licence or other requirements and advise that they were not aware. To assist licence holders to compliance, a test will ensure that they are aware of the requirements that they will be bound to comply with.
Requirement to pass initial assessment in literacy at Entry Level 1	Requirement to pass B1 level test in speaking, listening, reading and writing in English or provide equivalent qualification	Current requirement doesn't check speaking and listening which is imperative to the role of a licensed driver – also the level of English required to pass it is not high enough for what is needed to appropriately carry out the role. Suggested policy matches the initial policy implemented in London (although they have moved on to a different test since then). Also in accordance with DFT guidance.
Nil	Requirement for disability awareness training	New legislation, lots of queries from the trade and an increase in complaints in this area.
Maximum 3 knowledge test attempts at 2 weekly intervals	Maximum 3 month application period at weekly intervals	We regularly have to give additional attempts and applicants often want to re-sit sooner than the 2 weekly intervals.
1 year licences for vehicles	Also offer a 6-month licence	Request from operator who changes their vehicles on a 6 monthly basis
Only brand new vehicles can be licensed as hackney carriage	No age limit for licensed vehicles	The age of a vehicle is not a relevant consideration as long as the vehicle is mechanically fit and well maintained. The current policy is a barrier of entry into the trade, and is resulting in a shift from hackney carriage to private hire both in new and current drivers, which is also reducing the number of wheelchair accessible vehicles. Also in accordance with DFT guidance

Evidence of vehicle type approval needed	Nil	Where type approval is legally required the DVLA will not register the vehicle without it. We already require the V5C to check it is registered so not necessary to do both.
Nil	Basic DBS check required for vehicle proprietors	In accordance with DFT guidance
Nil	Requirement for wheelchair belts and other removable wheelchair attachments to be permanently marked with registration number	To stop drivers swapping them between vehicles for council inspection which has been known to occur and ensure that all wheelchair accessible vehicles have the relevant equipment to carry and secure wheelchair users safely
Nil for Private Hire. Hackney carriages must be within 2 iterations of current EU standard	All licensed vehicles must be within 2 iterations current EU standard on renewal – and must meet the current standard or be electric on first time licence	Climate change
Nil	Mandatory card payments	To keep abreast of technology, safety for customers not carrying cash and still being able to get home, members wishes during previous fare reviews
Nil	Specification and conditions for in-cab CCTV included (encouraged but not a necessity)	DfT guidance requires us to consider and consult on CCTV and to make it mandatory where appropriate – given the cost of this to the drivers in the current climate, and that there is not a significant number of incidents reported in our taxis not proportionate to make it compulsory however it is a benefit. Changed the spec from the one previously used in accordance with the DFT guidance.
Nil	Vehicle history (HPI) check required on first-time licence for any vehicle which is not brand new – and associated policies for the things that are checked	Given removal of brand new vehicle policy, and to ensure that no issues with history of vehicle e.g. written off, scrapped, exported, stolen etc.
MOT for all vehicles on licensing	Exemption for brand new vehicles on first time licence	We have not had a brand new vehicle fail an MOT (since current policy implemented in 2012) therefore there is no data to suggest a need for this and it is an additional cost to the vehicle proprietor

Nil	Additional MOT's to be added where there is repeated vehicle maintenance issues e.g. failure before passing, advisories being a failure next time and a warning has already been issued	We already have the power to do this on a case by case basis we are putting into the policy as a consistent approach and to make vehicle proprietors aware of how seriously a lack of vehicle maintenance will be taken given the safety issues linked with it. Staged approach with warning first.
Nil	Requirement for vehicle proprietors to ensure daily vehicle checks are done and keep records	We have experienced lots of issues with vehicle maintenance – this is a cost free way of ensuring that basic checks are being done – and puts into policy the action that we may take where they are not done
Operator Application form asks who business associates are	Company memorandum & articles of association and any resolutions affecting constitution to be submitted and checked against companies house	In past information provided has not matched companies house and has been based on hearsay which has caused problems with ensuring appropriate checks are done on all parties and with determining responsibility when issues have occurred.
Nil	Requirement for operators to have, maintain and implement policies in respect of: (i) Customer care (ii) Staff training (iii) Determining suitability of non-licensed staff e.g., call handlers (iv) Shift and fatigue management (v) Complaints (vi) Lost property (vii) Safeguarding concerns (viii) Equality / disability requirements	To deal with issues identified when dealing with complaints, and to ensure that operators are taking their responsibilities seriously.
Nil	Operators to keep booking records for 6 months	In accordance with DFT guidelines

Nil	Operators staff with access to personal / sensitive information who are not licensed to have a basic DBS check	Staff have access to much of the same information as the business associates therefore only right that they are checked. In accordance with DFT guidance
Basic DBS check on application	Annual basic DBS check	In accordance with DFT guidance
Nil	Operator to keep and submit to licensing authority complaint records on a weekly basis	Operators choose which complaints they notify us about, and have been known not to notify of complaints that we deem to be serious and where we should be investigating and potentially taking action. Also complaint history is a good indicator of the need for action, further training etc. and often this comes to light too late for us to gather evidence.
Nil	NO PSV's or PCV's without informed consent of customer	In accordance with DFT guidance
Nil	Office staff to complete safeguarding training every 3 years and records of all training to be kept for at least 3 years	Complaints are often about office staff so they need to be suitably trained. Office staff are in the unique position of seeing patterns of addresses, people etc. that drivers may not recognise therefore they need to have an awareness of safeguarding and when to report – also they deal with the public.
Fare review annually and process	Fare review minimum of 2 yearly which may result in no change – less defined procedure – removed specific notional uplift and instead detailed considerations – specified liaison with trade representatives throughout	To allow more time between fare reviews where appropriate and given previous experience to allow for review to be done in liaison with the trade rather than on a notional uplift formula which rarely gets agreed with and implemented but creates a lot of work for the Council. Proposed process in line with last successful fares review
Ability to pay by direct debit where multiple licences are held	Nil	Legislation says fees are payable on grant so not lawful – we have only had one person take us up on this since 2012 and it was administratively a huge amount of work. Difficult to obtain payment if licence surrendered

Convictions policy	Complete re-write of convictions policy and time before licensing	In accordance with DFT guidance however more specific in respect of penalty points / motoring offences as guidance vague – used IOL standards as a guide in respect of penalty points.
Hackney Carriage Vehicle Specification	Removed out of date and legal requirements in accordance with policy changes	To make current

Appendix 3 Amendments to proposed policy following consultation

Paragraph No.	Amendment	Justification
1.3	Included those with disabilities in examples of vulnerable people	Consultation response from RAAG member
3.23	Wording changed from consent to permission	Consultation response from Planning
4.14	Moved further forward in section for clarity	Consultation response from Legal
4.24	Changed period after which repeat applications will be accepted from 6 months to 3 months as more reasonable time period	Consultation response from Legal
4.36	Added “whether or not they have received a reminder from the licensing authority” for clarity	Consultation response from Legal
4.68	Changed wording to “comply”	Consultation response from Legal
5.25	Added for clarity to state that public safety is overriding factor in determining applications	Consultation response from Legal
5.65	Included maximum time period which is stated elsewhere in document for clarity	Consultation response from Legal
5.339	Added maximum time period – specified in legislation	Consultation response from Legal
6.11	Added details of reference wheelchair	Consultation response from member of public
6.180	Time period in which exemption applies extended from 28 – 56 days	Consultation response from licence holder
6.258 (b) (iii)	Minimum height of text changed from 60mm to 20mm	For consistency with RBC side plate design, and shift in style of corporate branding due to rising costs
7.47 – 7.49	Added requirement for HMRC Tax Check	Legal requirement not included in consulted policy in error
12.12 – 12.13	Separated points for clarity and removed reference to fixed penalty notices and community resolution	Consultation response from Legal

Full Equality Impact Assessment

Guidance Notes

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics'.

This applies to policies, services and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, and how serious any potential impacts might be. We use this Equality Impact Assessment (EIA) template to complete this process and evidence our consideration. The EIAs analyse how all our work as a council might impact differently on different groups, help us make good decisions and evidence how we have reached these decisions.

When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the borough, or at a national level (eg: a change of legislation)


Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

Title of EIA	Taxi Licensing Policy
Date of EIA	January 2023
Department/Service	Licensing – Place Protection
Focus of EIA	Update to the Council's Taxi Licensing policy in respect of Driver's, Vehicles and Operators. This is the policy in respect of the Council's duties as the Licensing Authority for applications and regulation under Local Government (Miscellaneous Provisions) Act 1976, The Town Police Clauses Act 1847 and associated legislation.
1.Previous EIA and outcomes	
What actions did you plan last time and what improved as a result? (If there is no previous EIA write Not applicable)	
Not Applicable	
2.Equality analysis and potential actions	
Assessment of overall impacts on those with the following protected characteristics and what potential actions could be undertaken to mitigate impact.	
Age	<p>Positive Impact</p> <p>The purpose of the Taxi Licensing Policy is to ensure that those who are licensed are and remain fit and proper people to carry out the role. Taxi drivers routinely carry passengers of all ages, and this is taken to account in the policy document, as well as considering any vulnerabilities due to age. The policy revisions could have a positive impact for these individuals.</p> <p>Negative Impact</p> <p>Age is not a determining factor in whether to issue a licence (outside of the legal minimum age to hold a driver's licence, and the legal minimum period to have held one) however the regularity of medical assessment is based on age, therefore resulting in additional cost to those over the ages specified (45 and 65). These are taken from the DVLA Group 2 medical standards, which are applied in accordance with DfT best practice guidance. The reason for the additional medicals is to ensure that applicants / licence holders are medically fit and safe to carry out the role and therefore the safety implication outweighs the additional cost and requirements on the applicant. Decisions in this regard are made on medical fitness not on age.</p>
Disability	Positive Impact

	<p>The amendments to the Taxi Licensing Policy include new provisions in the Equality Act 2010 to ensure a better service for those with disabilities. In addition, new measures have been introduced in the policy to improve the service to those with disabilities including Disability Awareness training for all drivers. There has been a public consultation and consultation with RAAG members, and their feedback has been taken into consideration in producing the final version of the policy.</p> <p>Negative Impact</p> <p>There are no policy changes which would have a negative impact on those with disabilities.</p>
Gender Reassignment	No impact
Marriage or civil partnership	No impact
Pregnancy or maternity	No impact
Race	No impact
Religion or belief	No impact
Sex	No impact
Sexual orientation	No impact
3. Assessment of overall impact and potential actions	
<p>The proposed policy may have an impact on the two protected groups outlined above. In relation to “disability”, there is no disproportionate impact. Any impact is likely to be positive.</p> <p>In relation to age, there is a negative impact in increased cost due to medical requirements however this can be justified. Firstly, the proposed medical policy is in accordance with DfT guidance and the DVLA Group 2 standards. Secondly, it is known that age can have an impact on health, therefore it is appropriate to check more regularly, however for those who are medically fit the impact is limited to cost only. Any decisions on licence applications based on medical fitness are made on the basis of the medical situation NOT the person’s age. Driving whilst not medically fit carries a significant safety risk which outweighs the cost of more regular medicals.</p>	
4.Consultation & community feedback	
What consultation has taken place or will take place with each identified group?	
Age	There has been a public consultation open to all ages, which was specifically sent to all current licence holders.
Disability	There has been a public consultation sent to all. This was specifically sent to RAAG (Rushmoor Accessibility Action Group) members for their comment
Gender Reassignment	There has been a public consultation open to all.
Marriage or civil partnership	There has been a public consultation open to all.

Pregnancy or maternity	There has been a public consultation open to all.	
Race	There has been a public consultation open to all.	
Religion or belief	There has been a public consultation open to all.	
Sex	There has been a public consultation open to all.	
Sexual orientation	There has been a public consultation open to all.	
5. We understand the Council requires this Equality Impact Assessment and we take responsibility for its completion and quality.		
Completed by: name and role	Shelley Bowman Licensing Manager	Date: 09/01/2023
Signed off by: Head of Service		Date 09/01/2023